ACTS AND ORDERS

ISSUED IN THE

NORTH WESTERN PROVINCES,

DURING THE YEAR 1858.

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BY ORDER OF

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CONTENTS.

ACTS OF THE SUPREME GOVERNMENT.

Subject.	*No. of Act.*	*Date.*	*Page.*
An Act for the punishment of certain offenders, who have escaped from Jail, and of persons who shall knowingly harbour such offenders, ...	V.	30th January 1858.	179
An Act to authorize the confiscation of Villages, the imposition of fines, and the forfeiture of certain offices in cases of rebellion and other crimes, committed by inhabitants of villages, or by members of tribes; and also to provide for the punishment of proprietors of land, who neglect to assist in the suppression of rebellion, or in the apprehension of rebels, mutineers and deserters, ...	X.	27th March 1858.	181
An Act to authorize the infliction of corporal punishment, in certain cases, ...	XI.	17th April 1858.	185
An Act for the punishment of persons who unlawfully possess, or conceal arms or other property, belonging to Her Majesty, or to the East India Company,	XIII.	17th April 1858.	186
An Act to provide for the authentication of Stamped Paper, issued from the Stamp Office in Calcutta,...	XIX.	22nd May 1858.	187
An Act to facilitate the recovery of land and other real property, of which possession may have been wrongfully taken, during the recent disturbances in the North Western Provinces of the Presidency of Bengal, ...	XX.	5th June 1858.	189
An Act to make further provision for the trial and punishment of offenders against the State, ...	XXVI.	17th July 1858.	193
An Act for the relief of persons who, in consequence of the recent disturbances, have been prevented from instituting or prosecuting suits or appeals in the Civil Courts of the North Western Provinces, within the time allowed by law, ...	XXIX.	7th August 1858.	195
An Act to make further provision for the settlement of Land, gained by alluvion, in the Presidency of Fort William in Bengal, ...	XXXI.	4th Septr. 1858.	195

Subject.	*No. of Act.*	*Date.*	*Page.*
An Act to make better provision for the care of the Estates of Lunatics not subject to the jurisdiction of the Supreme Courts of judicature, ...	XXXV.	25th Septr. 1858.	197
An Act relating to Lunatic Asylums, ...	XXXVI.	25th Septr. 1858.	201
An Act to repeal Regulation V., 1832, of the Bengal Code, and to make certain provisions rendered necessary by the transfer of the Delhie territory to the administration of the Chief Commissioner of the Punjaub, ...	XXXVIII.	18th Decr. 1858.	207
An Act for making better provision for the care of the persons and property of Minors, in the Presidency of Fort William in Bengal, ...	XL.	18th Decr. 1858.	209
An Act to amend Regulation X. 1829, of the Bengal Code, for the collection of Stamp duties, ...	XLI.	8th January 1859.	214

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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES,

FOR 1858.

ACTS.

ACT No. V. OF 1858.

An Act for the punishment of certain offenders who have escaped from Jail, and of persons who shall knowingly harbour such offenders.

Preamble.

WHEREAS, during the recent disturbances in the North Western Provinces and other parts of India, many Jails were broken open, and the prisoners who were then detained therein were forcibly released, and many of such prisoners are now at large; and it is expedient to provide for the apprehension of certain of such offenders: and whereas it is also expedient to make better provision for the punishment of persons convicted of, or charged with the commission of heinous offences, who shall hereafter escape from Jail. It is enacted as follows:—

Punishment of offenders who, having escaped from Jail, shall not surrender themselves within one month from the passing of this Act.

I.—Every person who since the 1st of May 1857 hath escaped from Jail or other lawful custody whilst detained under sentence of imprisonment for any of the crimes hereinafter mentioned, and who being at large shall not within one month from the passing of this Act surrender himself to a Magistrate or Police Officer, and make true answer to all such questions as shall be put to him by a Magistrate touching the Jail or other custody from which he escaped, and the cause for which he was there detained; and every person who shall hereafter escape from Jail or other lawful custody whilst detained under sentence of imprisonment for any of the crimes hereinafter mentioned—shall upon conviction be sentenced to transportation for life.

Punishment of offenders who may hereafter escape from Jail.

Punishment of persons who, having escaped from custody whilst detained under committal for trial for

II.—Every person who since the said 1st day of May 1857, hath escaped from Jail or lawful custody whilst detained under a committal for trial for any of the crimes hereinafter mentioned, or under a charge of being guilty of such crime,

certain crimes, shall not surrender themselves within one month from the passing of this Act.

and who shall not within one month after the passing of this Act surrender himself to a Magistrate or Police Officer, and make true answer to all such questions as shall be put to him by a Magistrate touching the Jail or other custody from which he escaped, and the nature of the charge upon which he was detained; and every person who shall hereafter escape from Jail or other lawful custody whilst detained under such committal for trial, or upon such charge as aforesaid, shall, upon conviction of the crime for which he was so committed for trial, or in respect of which he was so charged, if not sentenced to the punishment of death, be liable to be transported for life.

Punishment of persons who may hereafter escape from custody while under committal for trial.

III.—The following are the crimes referred to in Sections I. and II, namely:—Rebellion, mutiny, desertion, murder, attempts to murder, thuggee, dacoity, robbery, belonging or having belonged to a gang of thugs or to a gang of dacoits, or to a wandering gang associated for the purposes of theft or robbery, and all crimes against person or property attended with great personal violence.

Enumeration of crimes referred to in the preceding Sections.

IV.—Whoever shall knowingly harbour or conceal, or assist in harbouring or concealing any such convict or other person who shall have escaped as aforesaid, shall be liable to imprisonment with or without hard labour for any term not exceeding seven years, and shall also be liable to fine.

Punishment for knowingly harbouring or concealing offenders.

V.—All proprietors of lands, and all farmers, agents and other persons having the charge or management of lands, are hereby declared accountable for the early communication to the Magistrates and Police Officers of intelligence of the resort to any place within the limits of the lands held or managed by them of any person in respect of whom there shall be reasonable suspicion of his being such convict or prisoner who has escaped as aforesaid; and every proprietor or other person as aforesaid, who shall neglect to give such intelligence, shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding six months, and to fine not exceeding two hundred Rupees, commutable, if not paid, to imprisonment for a further term not exceeding six months.

Liability of land-holders to give early intelligence of the resort of escaped prisoners to their estates.

VI.—Any Magistrate or person exercising the full powers of a Magistrate, unless prohibited by order of the Executive Government, is hereby authorized, without reference to any other authority, to tender a pardon to any person who may have escaped from Jail or other lawful custody whilst detained under sentence of imprisonment for any crime or offence other than the crimes above mentioned, on condition of his giving such information as may lead to the apprehension and conviction of one or more person or persons punishable under this Act Such pardon may be tendered, as well in respect of the crime or offence for which the offender was detained, as of the offence or escaping from Jail.

Magistrates, &c, authorised to tender pardon in certain cases.

VII.—Offences under this Act, other than those provided for by Section V. of this Act, may be tried by a Sessions Judge, or by a Special Commissioner appointed under Act XIV. of

Jurisdiction.

1857; and the sentence or judgment shall be subject to appeal. Provided that nothing contained in this Section shall extend to the trial of a European British subject.

The 30th January 1858.

ACT No. X OF 1858.

An Act to Authorize the confiscation of Villages, the imposition of fines, and the forfeiture of certain offices in cases of rebellion, and other crimes committed by inhabitants of villages, or by members of tribes; and also to provide for the punishment of proprietors of land who neglect to assist in the suppression of rebellion or in the apprehension of rebels, mutineers, or deserters.

Preamble.

WHEREAS it is expedient to authorize the confiscation of villages, the imposition of fines, and the forfeiture of certain offices in cases of rebellion and other crimes committed by inhabitants of villages or by members of tribes; and also to provide for the punishment of proprietors of land who neglect to assist in the suppression of rebellion, or in the apprehension of rebels, mutineers, and deserters. It is enacted as follows :—

Punishment for certain offences committed by inhabitants of villages.

If it shall be proved to the satisfaction of a Magistrate that the inhabitants of any village within his jurisdiction, or any large number of the inhabitants of such village, have since the 1st day of May 1857 been guilty of rebellion, or of waging war against the State, or of murder, or of any of the offences specified in Section II. Act XVI. of 1857, although the individual offenders cannot be identified; or if it shall be proved to the satisfaction of a Magistrate that any European or American has been murdered or been subjected to any violent personal outrage in any such village, and it shall not be proved to the satisfaction of the Magistrate that the inhabitants of such villages used all the means in their power to prevent the commission of the offence; it shall be lawful for the Magistrate to impose a fine upon the inhabitants of such village, or upon any specified class of the inhabitants of such village; the amount of the fine to be fixed with reference to the means of the inhabitants, or class of inhabitants, and the nature of the offence committed. If the owner or owners of the village shall not prove to the satisfaction of the Magistrate that he or they used all the means in his or their power to prevent the commission of the offence, the Magistrate may confiscate the village, either in lieu of, or in addition to, the imposition of such fine upon the inhabitants. In like manner, if any hereditary village Officer employed in the collection of the Land Revenue, or in the Police in such village shall not prove to the

satisfaction of a Magistrate that he used all the means in his power to prevent the commission of the offence, the Magistrate may declare the hereditary office to be forfeited, and may confiscate any land or rights held by him in virtue of such office.

Punishment for offences committed by members of tribes.

II.—If it shall be proved to the satisfaction of a Magistrate that any members of a particular tribe have since the said 1st day of May 1857 been guilty of any of the above-mentioned offences within the limits of his jurisdiction, although the individual offenders cannot be identified, it shall be lawful for the Magistrate to impose a fine upon all the members of the tribe residing at or near the place where the offence was committed, or from which the offenders came.

Punishment for harbouring certain offenders, and for concealing Government property in any village.

III.—It shall also be lawful for a Magistrate to impose a fine upon the inhabitants of any village within his jurisdiction, if it shall be proved to his satisfaction that at any time after the passing of this Act, any rebel, mutineer, or deserter, or any person proclaimed by Government as a rebel, or for whose apprehension a reward shall have been publicly offered, or any person who shall have escaped from Jail or other custody whilst under sentence of imprisonment or under trial for any offence mentioned in Section III. Act V. of 1858, *(for the punishment of certain offenders who have escaped from Jail, and of persons who shall knowingly harbour such offenders,)* has been knowingly harboured or concealed within such village; or, that any arms or other property belonging to the East India Company have been knowingly concealed therein.

Magistrate may exempt certain persons from payment of fine.

IV.—The Magistrate may exempt from liability to pay any portion of a fine imposed under the provisions of this Act, any person whom he shall consider entitled to such exemption in consequence of his having delivered up or given such information as shall have led or shall be calculated to lead to the apprehension and conviction of any rebel, mutineer, or deserter, or other person guilty of any of the offences mentioned in Section I. of this Act, or to the recovery of any arms or property belonging to the East India Company, or for any other reason which the Magistrate may deem sufficient.

Punishment for proprietors of land refusing, or neglecting to aid in the suppression of rebellion, &c.

V.—If any zemindar or other proprietor of land, when duly called upon by the Magistrate or by a Darogah or District Police Officer, to render assistance in the suppression of rebellion or the arrest of rebels, mutineers, or deserters, shall refuse or neglect to use all the means in his power for rendering such assistance, the Magistrate, on proof of such refusal or neglect may impose a fine on the person so offending, or may confiscate his estate or interest in the land.

Magistrate to report his proceedings to the Commissioner for confirmation, or modification.

VI.—Whenever a Magistrate shall order the confiscation of a village, or of any land or rights or of any estate or interest in land, or the imposition of a fine under this Act, he shall report his proceedings to the Commissioner. The Commissioner may either confirm or modify or annul the order

of the Magistrate as he may think fit: provided that he shall not make any order which the Magistrate could not have made.

Assessment of fines.

VII.—When any fine is imposed under this Act, upon the inhabitants of a village or members of a tribe, the amount shall be assessed upon the inhabitants of the village or members of the tribe (as the case may be) by a punchayet appointed by the Magistrate, or in such other mode as the Magistrate may direct; and the assessment, when approved by the Magistrate, shall be final. Notice of the assessment, and of the time fixed by the Magistrate for the payment thereof, shall be given by affixing the same in some conspicuous place in the village to which the order relates or where the persons liable to the fine reside.

Recovery of fines.

VIII.—If the full amount assessed be not paid within the time fixed by the Magistrate, which shall not be less than thirty days from the date of the assessment, the amounts assessed may be levied by order of the Magistrate by distress and sale of the moveable property of the parties liable for the same; and in case no sufficient moveable property shall be found within the village, any house or immoveable property, and any rent-free or other saleable tenure belonging to the defaulter, may be sold by order of the Magistrate for the purpose of realizing the amount due from him. In the case of a fine imposed on the inhabitants of a village, the Magistrate may direct the Collector to sell the village for the amount of the assessment remaining unpaid, unless the owner or owners of the village shall pay such amount. The sale shall be subject to all the rules applicable to sales for the recovery of arrears of Revenue, save that it shall not in any case be necessary to obtain the sanction of the Sudder Board of Revenue or Board of Revenue to such sale. In the event of such sale taking place, or of the owner or owners making good the arrears of assessment to save the village from sale, he or they may recover the arrears from the parties liable for the same in the same manner in which arrears of rent may be recovered. Provided that, if the sum realized by the sale fall short of the arrears due, the owner or owners of the village shall not recover more than the amount realized by the sale.

Effect of confiscation or sale.

IX.—Any confiscation of a village under Section I. of this Act shall have the effect of cancelling all under-tenures in the village; and shall authorize the ejectment of all tenants or cultivators of land therein; and shall also have the effect of avoiding all incumbrances of the whole or any part of the village which shall have been created after the date of the commission of the offence mentioned in the Magistrate's order, and all incumbrances created before the date of the commission of the offence if the incumbrancer shall have been in possession at the time, and also all incumbrances made after the passing of this Act, unless the same shall have been made and registered three months before the commission of the offence or the day specified in the Magistrate's order as the date of the commission of the offence, and every sale of a village under this Act shall have the same effect as a confiscation, except that it shall cancel such under-tenures only as belong to persons who have made default in payment of the amount assessed upon them.

X.—All the provisions of this Act, which authorize the imposition and assessment of a fine upon the inhabitants of a village, shall extend to the inhabitants of any Mohulla or Division of a City or Town; and the amount of any fine imposed under this Section, if not paid, shall be levied by order of the Magistrate by distress and sale of the moveable property of the parties liable for the same; and in case no sufficient moveable property shall be found within the Mohulla or Division, any house or immoveable property and any rent-free or other saleable tenure belonging to the defaulter may be sold by order of the Magistrate for the purpose of realizing the amount.

Act to extend to inhabitants of divisions of Cities or Towns.

XI.—Any fine imposed under Section V. of this Act may be recovered in the manner above prescribed for the recovery of assessments, or by sale of the estate of the person liable to the fine; and such sale shall be made by the Collector on the requisition of the Magistrate, and shall be subject to all the rules applicable to the sale of estates for demands recoverable by the same process as arrears of Revenue, save that it shall not in any case be necessary to obtain the sanction of the Sudder Board of Revenue or Board of Revenue to such sale.

Recovery of fines imposed on proprietors of land under Section V.

XII.—No appeal shall lie from any order passed by a Magistrate in carrying out the provisions of this Act; but, except as otherwise provided, all orders and proceedings of the Magistrate shall be subject to the revision and control of the Commissioner, whose order shall be final.

No appeal; but order of Magistrate may be revised by the Commissioner.

XIII.—If the Governor General in Council or the Executive Government shall see fit to remit any confiscation under this Act, all persons affected by such confiscation shall be restored to their rights as if no such confiscation had ever taken place.

Effect of remission of confiscation.

XIV.—No action or other proceeding shall be commenced or prosecuted against any person for any thing done under the authority of this Act.

Indemnity.

XV.—This Act shall take effect only in those Districts or places to which it shall be extended by order of the Govrnor General in Council or of the Executive Government of any Presidency or place. In the event of this Act being extended to any Districts or places subject to the Presidency of Fort St. George or to the Presidency of Bombay, the powers vested by this Act in the Commissioner shall be exercised by such Officer or Officers as the executive Government may appoint; and all reports required to be made to the Commissioner shall be made to such Officer or Officers.

Act to take effect only in Districts or places to which it is extended by order of Government.

Powers vested in Commissioner to be exercised in the Madras, and Bombay Presidencies by Officers appointed by Government.

XVI.—The word "Magistrate" shall include every person authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act; and the word "European" shall include any person usually designated a European British subject.

Interpretation "Magistrate." "European."

Duration of Act.

XVII.—This Act shall continue in force for two years.

The 27th March 1858.

ACT No. XI. OF 1858.

An Act to authorize the infliction of corporal punishment in certain cases.

Preamble.

WHEREAS in consequence of the destruction of the Jails in many parts of India, and the want under existing circumstances of means for the confinement of convicts and for the due enforcement of prison-discipline, it is expedient to authorize the substitution of corporal punishment for imprisonment in certain cases. It is enacted as follows :—

Magistrate empowered to sentence offenders to corporal punishment for certain offences.

I. If any person shall be charged before a Magistrate with having committed any of the offences hereinafter mentioned, it shall be lawful for such Magistrate, in lieu of committing the offender for trial, or sentencing him to any other punishment to which he may be liable, to sentence the offender upon conviction to corporal punishment not exceeding thirty stripes with a ratan. The offences are—robbery not attended with aggravating circumstances, burglary, theft, knowingly receiving stolen or plundered property, wilful destruction of or injury to property, and the attempt to commit any of the above-mentioned offences.

Corporal punishment may be inflicted also in certain cases in which a fine is imposed, and not paid.

II. It shall also be competent to a Magistrate to impose a fine not exceeding five hundred Rupees on conviction for any offence under Section XXV. Act XXVIII. of 1857; and in such case, as well as in any case in which a fine shall be imposed under the provisions of Section VIII. Act XI. of 1857, or of Section XVI. Section XXII. or Section XXVII. Act XXVIII. of 1857, or for assaults or affrays, it shall be lawful for the Magistrate to order that corporal punishment, not exceeding thirty stripes with a ratan, shall be inflicted on the offender in lieu of the fine, in case such fine be not paid. In any case in which the Magistrate shall make such order, he shall not sentence the offender to imprisonment in addition to the fine.

Act not to authorize the corporal punishment of Europeans or females.

III. Nothing in this Act shall be deemed to authorize the infliction of corporal punishment upon any European, or American, or upon any female.

Interpretation. "Magistrate."

IV. The word "Magistrate" shall include any person lawfully exercising the full powers of a Magistrate, and also any Assistant to a Magistrate or Deputy Magistrate specially authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act, and the word "European" shall

"European." include any person usually designated a European British subject.

Act to take effect only in Districts or places to which it is extended by Government.

V. This Act shall take effect only in the Districts or places to which the Governor General in Council or the Executive Government of any Presidency or place shall think it necessary to extend it.

Duration of Act.

VI. This Act shall continue in force for two years.

The 17th April 1858.

ACT No. XIII. OF 1858.

An Act for the punishment of persons who unlawfully possess or conceal arms or other property belonging to Her Majesty or to the East India Company.

Preamble.

WHEREAS it is expedient to provide for the punishment of persons who shall knowingly and unlawfully have in their possession or conceal arms, horses, or other property belonging to Her Majesty or to the East India Company; It is enacted as follows:—

In Districts to which this Act is extended by Government, Magistrate to issue proclamation calling upon persons to deliver up property belonging to Her Majesty or the East India Company.

I. In any District to which the provisions of this Act shall be extended by order of the Governor General in Council or the executive Government of any Presidency or place, the Magistrate shall issue a proclamation calling upon all persons within his District, having in their possession any arms, ammunition, horse or other animal, or any Government Stamps, or other property belonging to Her Majesty or to the East India Company, to deliver up the same to the Magistrate, or at the nearest Police Station, within a time to be fixed by the proclamation; and whoever, after the expiration of the time so fixed, shall without lawful or reasonable excuse have in his possession any arms, ammunition, horse or other animal, or any Government Stamps, or other property, knowing the same to belong to Her Majesty or to the East India Company, shall on conviction be liable to the punishment of transportation for life or of imprisonment with hard labor for a term not exceeding fourteen years, either with or without fine, or to a fine alone, or to corporal punishment not exceeding thirty stripes with a ratan.

Punishment for unlawful possession of such property.

Punishment for concealing or neglecting to deliver up property after issue of proclamation.

II. After any such proclamation shall have been issued, whoever having in his possession any such property as aforesaid, knowing it to belong to Her Majesty or to the East India Company, shall, without lawful or reasonable excuse, conceal or attempt to conceal the same, or neglect to deliver it up as required by the proclamation, shall be liable on conviction to the punishment provided by the preceding Section.

Jurisdiction.

III.—For offences under this Act, the offender may be tried and sentenced by a Sessions Judge or by a Special Commissioner appointed in the manner provided by Act XIV. of 1857; and the sentence or judgment shall not be subject to appeal. Provided that a European British subject shall not be tried under the provisions of this Act.

Act not to exempt persons from punishment under Act XVI. of 1857.

IV.—Nothing in this Act shall be deemed to exempt any person from any punishment to which he may be liable under Act XVI. of 1857 *(to make temporary provision for the trial and punishment of heinous offences in certain Districts)*.

Duration of Act.

V.—This Act shall continue in force for the period of two years from the time of the passing thereof.

The 17th April 1858.

ACT No. XIX. OF 1858.

An Act to provide for the authentication of Stamped Paper issued from the Stamp Office in Calcutta.

Preamble.

WHEREAS, during the recent disturbances, a large quantity of Stamped Paper issued from the Stamp Office in Calcutta, and remaining unsold in several of the Collectors' Treasuries, and in the possession of divers Stamp venders, was plundered; and it is necessary to provide against the unlawful use of such Stamped Paper, and the loss which would ensue to Government from such use thereof; It is enacted as follows:—

After passing of Act, no document, &c., mentioned in Schedule A., Regulation X. 1829 to be valid, unless bearing stamps authenticated as prescribed.

I.—After the passing of this Act, no deed, instrument, or other writing specified in Schedule A., Regulation X. 1829 of the Bengal Code, and required by that Regulation to be stamped and which shall bear date or shall appear to have been written after the passing of this Act, shall be filed, exhibited, or received in any Court of Justice or in any public Office, unless the stamped paper, vellum, parchment, or other material upon which such deed, instrument, or other writing is written shall either bear such stamp, signature, or other mark as hath been or shall be prescribed by the Governor General in Council or by the Lieutenant Governor of Bengal for the purpose of distinguishing stamps issued from the Stamp Office in Calcutta after the 6th day of January 1858, or be authenticated as having been duly purchased by having thereon the signature and official designation either of the Superintendent of Stamps in Calcutta, or of the Collector of some District, or of his Deputy or Assistant, together with the date of such signature.

Authentication of stamps on law-papers mentioned in Schedule B., of Regulation X. 1829.

II.—After the passing of this Act, no law-paper specified in Schedule B. of the said Regulation, and required by such Regulation to be stamped, shall be filed, exhibited, or received in any Court of Justice or in any public Office, unless such law-paper shall either bear the stamp, signature, or other mark required for distinguishing stamps issued subsequently to the said 6th day of January 1858, or be authenticated as having been duly purchased by having thereon the signature and official designation either of the Superintendent of Stamps in Calcutta, or of the Collector of some District, or of his Deputy or Assistant, together with the date of such signature.

Notification of distinguishing mark on stamps issued after 6th January 1858.

III.—A notification of the stamp, signature or other mark prescribed for distinguishing stamps issued from the Stamp Office in Calcutta after the 6th day of January 1858, shall be published in the *Calcutta Government Gazette*, and in such other *Gazettes* as shall be published or shall circulate in any District in which stamps issued from the Stamp Office in Calcutta are used.

Proclamation to be made requiring stamps issued prior the 6th January 1858, to be sent in for authentication.

IV.—In every District in which stamps issued from the Stamp Office in Calcutta are required by the said Regulation X. 1829, to be used, a proclamation shall be issued by the Collector requiring all persons within a time to be specified in the proclamation, not being less than one month from the date of such proclamation, to cause all unused paper, vellum, parchment, or other material stamped under the provisions of the said Regulation, which may be in their possession, not bearing the stamp, signature or other mark required for distinguishing stamps issued after the 6th day of January 1858, and which shall not have been authenticated in the manner above required, to be sent into, or produced at, the office of such Collector or of his Deputy or Assistant for the purpose of being authenticated or exchanged for new stamps.

Stamps proved to have been honestly acquired to be authenticated.

V.—Every person who, within the time specified in the proclamation, or within such further time as the Collector or his Deputy or Assistant shall consider reasonable under the circumstances of any particular case, shall cause to be produced at such office as aforesaid, any such unused stamped paper, parchment, vellum, or other material as aforesaid, and shall prove to the satisfaction of the Collector or of his Deputy or Assistant that such stamp was honestly obtained from Government and paid for, shall be entitled to have the same authenticated by such Officer in manner aforesaid, or to have the same exchanged by such Officer for new stamps of the same amount.

Stamps not proved to have been honestly acquired, and stamps not sent in within prescribed time, to be detained as Government property.

VI.—Any such unused stamped paper, parchment, vellum, or other material so sent in or produced as aforesaid, which shall not either bear the stamp, signature, or other mark required for distinguishing stamps issued after the said 6th day of January 1858, or have been authenticated in manner aforesaid, and which shall not be proved to the satisfaction of the Collector or of his Deputy or Assistant to have been honestly obtained from Government and paid for, shall be detained by such Offi-

cer as Government property; and any such stamped paper, parchment, vellum, or other material, which shall be found in the possession of any person, may be seized by any Magistrate or by any Officer of Police or Revenue Officer, and sent into the Collector's Office; and if such paper, parchment, vellum, or other material shall be so found after the time required for sending in the same for authentication or exchange, it may be detained as the property of Government.

Police Officer empowered to search for and seize unauthenticated stamps.

VII.—Any Officer of Police having power by law to search for stolen property may, subject to the provisions under which he is empowered to make such search, proceed to search houses or places in which there may be reasonable cause to suspect that there is any such stamped paper, parchment, vellum, or other material not bearing the stamp, signature, or other mark required for distinguishing stamped paper issued after the 6th day of January 1858, and not authenticated in manner aforesaid as having been duly purchased from Government, and may seize and transmit to the Collector any such stamped paper as aforesaid.

Interpretation.

VIII.—The words "Collector" or "his Deputy or Assistant" shall be deemed to include any Officer exercising the powers of a Collector or of his Deputy or Assistant respectively.

The 22nd May 1858.

ACT No. XX. OF 1858.

An Act to facilitate the recovery of land and other real property, of which possession may have been wrongfully taken during the recent disturbances in the North Western Provinces of the Presidency of Bengal.

Preamble.

WHEREAS, there is reason to believe that during the recent disturbances in the North Western Provinces of the Presidency of Bengal, many persons have without authority of law been dispossessed of land or other real property, and it is expedient to provide a more easy and speedy means, whereby they may obtain redress than is afforded by the ordinary remedy of a regular Civil action; It is enacted as follows:—

Appointment of one or more Special Commissioners.

I.—It shall be lawful for the Executive Government of the North Western Provinces of the Presidency of Bengal to appoint one or more Special Commissioners for the summary determination of cases of wrongful dispossession of land or other real property in any part of the territories subject to its jurisdiction; and to assign, from time to time, such local jurisdiction to the Special Commissioner or Commissioners so appointed as may appear proper.

II.—Whenever any Special Commissioner, appointed under this Act, shall be vested by order of such Executive Government, with jurisdiction in any District or Districts or in any part or parts of any District or Districts, notice thereof shall be given by a written proclamation, of which copies shall be affixed in the several Courts and in the Offices of the several Collectors and Magistrates of such District or Districts; and the powers heretofore vested in the Courts of such District or Districts in respect of all cases cognizable by the Special Commissioners appointed under this Act, shall be suspended until such Courts shall be informed by an order, under the signature of the Secretary to Government, that the local jurisdiction of the Special Commissioner has ceased, of which notice shall be given by proclamation in the manner aforesaid. Provided that nothing in this Section shall interfere with the trial and decision of any case which may be pending before any Court at the time of the passing of this Act, unless such case be transferred for trial and decision to a Special Commissioner appointed under this Act.

Notification of appointment.

Certain powers of the Civil Courts temporarily suspended.

Proviso.

III.—Any case pending before any Court sitting as a Court of original jurisdiction at the time of the passing of this Act, in respect of a matter made cognizable by a Special Commissioner appointed under its provisions, shall, on the application of the party complaining, be transferred to the Special Comissioner within the limits of whose jurisdiction the property in dispute is situate; and such Commissioner shall summon the Defendant, and proceed to dispose of the case in the same manner as if it had been instituted before himself.

Disposal of pending cases.

IV.—The Special Commissioners appointed under this Act may hold a Court at any place within the limits of their jurisdiction which may appear most convenient for the trial of cases brought before them.

Court of the Commissioners where to be held.

V.—Whenever any Special Commissioner shall be vested with jurisdiction under this Act, such Commissioner shall issue a proclamation requiring all persons within the limits of his jurisdiction who may, without authority of law, have taken possession of any land or other real property, situate within such limits, subsequently to the 10th May 1857, to deliver up the same, within a period to be fixed in the proclamation, to the party who was in possession at the time when such unlawful possession was taken; and warning all persons that, in the event of their failing to comply with such requisition, and of its being afterwards proved, on the complaint of the party ousted, that they had, without authority of law, taken possession of the land or other real property mentioned in the complaint subsequently to the said 10th May 1857, and that they continue in possession of the same, they will not only be ejected from such land or other real property, and be compelled to account for any mesne profits that may have accrued during the period that they may have held possession thereof, but will also be liable to such punishment as the Special Commissioner may award under the powers vested in him by this Act. Copies of such proclamation shall be affixed in the Court of the Special Commissioner, and in the several

Issue of proclamation.

Courts and in the Offices of the several Collectors and Magistrates of the District or Districts to which the jurisdiction of the Special Commissioner may extend.

Applications by persons unlawfully dispossessed.

VI.—After the expiration of the period mentioned in the proclamation, any person who may, without authority of law, have been dispossessed of any land or other real property subsequently to the said 10th May 1857, may apply to the Commissioner within whose jurisdiction such land or other real property is situate to be reinstated in the possession of the same. The application may be written on plain paper, and shall contain the following particulars :—

1. Name, description, and place of abode of the Plaintiff.
2. Name, description, and place of abode of the Defendant.
3. The subject of the complaint, the title under which the Plaintiff claims to have been in possession thereof, and the date on which he was dispossessed.

Procedure before day of hearing.

VII.—Whenever such application may be made, the Special Commissioner shall examine the Plaintiff, on oath or solemn affirmation, as to the truth of his complaint; and if satisfied that there is probable cause for instituting the complaint, he shall issue a summons requiring the Defendant to appear and make defence in person on a day to be fixed in the summons; or, if he see sufficient cause for so doing, he may issue his warrant for the arrest of the Defendant, and for his being brought before his Court on a day to be fixed in the warrant. Provided that the Special Commissioner may, for any good or sufficient reason, excuse the Plaintiff or Defendant from attending his Court in person, and allow him to appear by a duly authorized representative, who may be examined instead of such Plaintiff or Defendant.

Attendance of witnesses.

VIII.—On the day fixed for the appearance of the Defendant, the parties shall bring their witnesses into Court, together with any documents on which they may intend to rely in support of their respective statements; and if either party require the assistance of the Special Commissioner to procure the attendance of a witness on such day, he shall apply to the Special Commissioner in sufficient time before the day fixed for the appearance of the Defendant, and the Special Commissioner shall issue a subpœna requiring such witness to attend his Court on that day.

Procedure on day of hearing.

IX.—On the day fixed for the appearance of the Defendant, or as soon after as may be practicable, the Special Commissioner shall proceed to examine the parties or their representatives (in cases where personal attendance is excused) or such of them as may be present, and their witnesses; and if, upon such examination, and after inspecting the documents of the parties, and making any further enquiry which may appear to him necessary, the Special Commissioner shall be of opinion that the complaint is substantiated, he shall order the Plaintiff to be put again into possession of the property in dispute, and to be maintained in possession thereof: he may also adjudge the Plaintiff to be entitled to recover from the Defendant mesne profits for the period during which the Defendant may be found to have been in possession of the property. It shall further be lawful

for the Special Commissioner, on proof that the Defendant continued in possession of the property in dispute after the expiration of the period fixed by the proclamation, to sentence him to imprisonment in the Criminal Jail with or without labor for a period not exceeding seven years, or to a fine, or to both imprisonment and fine.

Attendance examination, &c. of witnesses.

X.—The provisions of the Regulations and Acts for procuring the attendance of witnessess, and for the examination, remuneration and punishment of witnesses in suits before the Civil Courts shall be of equal force and effect in complaints tried under this Act.

Enforcement of order of Special Commissioner.

XI.—The order of the Special Commissioner for giving possession of the whole or any portion of the land or other real property to which the complaint may relate, shall be immediately executed; and it shall be competent to the Special Commissioner to call in the aid of the Magistrate, if necessary, for the purpose of enforcing the same. If

Adjustment and recovery of mesne profits.

the order adjudge the Defendant to be liable to pay to the Plaintiff mesne profits, it shall specify the period for which the same shall be paid, and the Commissioner shall refer the case to the Collector to adjust the amount. In cases so referred, it shall be competent to the Collector to levy the amount which may be awarded by him, and also the amount of any fine which may have been imposed by the Special Commissioner upon the Defendant, by the same process as is authorized for the recovery of arrears of the public Revenue. All proceedings of a Collector under this Section shall be subject to the control and revision of the next superior Revenue authority, whose order shall be final.

Order of Special Commissioner to be final.

XII.—All orders passed by a Special Commissioner in cases cognizable under this Act shall be final; but nothing in this Act shall be held to preclude either of the parties to the case from instituting a regular suit to establish his right to the property in dispute under the rules applicable to regular Civil actions.

Saving of right to institute a regular suit.

Act may be extended by the Executive Government to places other than the North-Western Provinces.

XIII.—This Act may be extended by the Governor General in Council, or by the Executive Government of any Presidency or place, to any District or Districts within the limits of their respective Governments in which disturbances shall have taken place subsequently to the said 10th May 1857; and it shall be lawful for the Governor General in Council or such Executive Government to exercise, in the District or Districts to which this Act may be so extended, all the powers vested by this Act in the Executive Government of the North Western Provinces.

Duration of Act.

XIV.—This Act shall continue in force for the period of three years.

The 5th June 1858.

ACT No. XXVI. OF 1858.

An Act to make further provision for the trial and punishment of offences against the State.

Preamble.

WHEREAS, it is expedient to make further provision for the trial and punishment of offences against the State; It is enacted as follows:—

Collecting arms, &c., with the intention of levying war against the State.

I.—If any person, owing allegiance to the British Government, shall collect men, arms, or ammunition, or otherwise prepare to levy war, with the intention of either levying or being prepared to levy war against the Queen or the East India Company, or shall instigate any other person to commit such offence, or shall knowingly aid in the commission thereof, such person shall be liable to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labour for any term not exceeding fourteen years, and shall also forfeit all his property and effects of every description.

Harbouring or concealing offenders.

II.—Whoever shall knowingly harbour or conceal any person who shall have been guilty of any of the offences mentioned in the preceding Section, shall be liable to imprisonment, with or without hard labor, for any term not exceeding seven years, and shall also be liable to fine.

Person having knowledge of the commission of certain offences, and neglecting to give information.

III.—If any person, having knowledge of the commission of any of the offences mentioned in Section I. Act XI. of 1857, or in Section I. of this Act, shall conceal the fact, or shall neglect to declare and make known the same to the Governor General in Council, or to the Executive Government of the Presidency or place, or to the Magistrate or person exercising the powers of a Magistrate in the District in which such offence shall be committed, or such person shall be, he shall be liable to imprisonment with or without hard labor for a term not exceeding seven years, and shall also be liable to fine.

Certain provisions of Acts XI. and XIV. of 1857 and XXII of 1858, made applicable to offences under this Act.

IV.—All the provisions of Acts XI. of 1857, XIV. of 1857, and XXII. of 1858, applicable to offences included in Sections I. and II., Act XI. of 1857, shall be applicable to the offences specified in this Act.

Act not to extend to British-born subjects or their children.

V.—Nothing in this Act contained shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

Duration of Act.

VI.—This Act shall continue in force until the end of the year 1859.

The 17th July 1858.

ACT No. XXIX. OF 1858.

An Act for the relief of persons who, in consequence of the recent disturbances, have been prevented from instituting or prosecuting suits or appeals in the Civil Courts of the North Western Provinces within the time allowed by law.

Preamble.

WHEREAS, during the recent disturbances, many of the Civil Courts in the North Western Provinces were compelled to suspend their sittings for considerable periods; and whereas, during this interval, the time allowed by law for instituting and prosecuting original suits and appeals has in many cases expired, and it is proper to provide relief for the plaintiffs and appellants in such cases; It is enacted as follows:—

Further time allowed for instituting or prosecuting certain suits and appeals in consequence of the suspension of the sittings of the Civil Courts.

I.—Whenever subsequently to the 10th May 1857, the sittings in any Civil Court in the North Western Provinces may have been suspended in consequence of the disturbed state of the country, it shall be competent to such Court to receive and try, or to re-admit any original suit or appeal within its jurisdiction, in which the period allowed by law for instituting or prosecuting the same may have expired during the time that the sittings of such Court were so suspended, provided that the plaintiff or appellant, according as the case may be, shall present his petition of plaint or appeal, or, if the suit or appeal shall have been previously instituted, but shall have abated for want of prosecution, shall make an application for the re-admission of the same within the period of three months from the date on which the principal Civil Court of original jurisdiction in the District shall issue a proclamation, copies of which shall be affixed in some conspicuous place in the several Courts and in the Office of the Collector and Magistrate of the District, notifying that the Courts of the District of such of them as it is intended to re-establish, have resumed their sittings.

Further time allowed for prosecuting certain suits and appeals in consequence of the difficulty of access to the Courts.

II.—In like manner any Civil Court in the North Western Provinces may receive and try, or re-admit any original suit or appeal in which the period allowed by law for instituting or prosecuting the same may have expired subsequently to the said 10th May 1857, if it shall appear to the satisfaction of such Court that the plaintiff or appellant in such suit or appeal was precluded from instituting or prosecuting it within the limited period, owing to the disturbed state of the country whereby access to such Court was rendered dangerous or difficult, provided that the plaintiff or appellant according as the case may be, shall present his petition of plaint or appeal, or, if the suit or appeal shall have been previously instituted but shall have abated for want of prosecution, shall make an application for the re-admission of the same within three months from the passing of this Act, or from the time when the cause above stated shall cease to exist.

III.—If the application be for the admission of a special appeal, the appellant may present his application either in the Sudder Court, or in the Court from whose decision the appeal is made for transmission to the Sudder Court.

Application for admission of special appeals to whom to be presented.

IV.—The petition of plaint or appeal in any original suit or regular or special appeal falling within the provisions of this Act, which may be instituted, for the first time, under Section I. or Section II., shall be written on stamp paper of the value prescribed for regular suits and appeals; but an application for the re-admission of an original suit or appeal, which shall have been previously instituted, but shall have abated for want of prosecution, may be written on plain paper.

Stamps in what cases necessary.

V.—No original suit or appeal, which may have been instituted or re-admitted in any Civil Court in the North Western Provinces subsequently to the said 10th May 1857, shall be liable to be dismissed, nor shall any decision passed in any such suit or appeal be reversed on the ground, that at the date of its institution the period allowed by law for the admission of the suit or appeal had expired, or that the suit or appeal had abated for want of prosecution (according as the case may be); if, at the time the period allowed by law for instituting or prosecuting such suit or appeal expired, the sittings in the Court by which it was cognizable, or in which it was pending were suspended, or access to such Court was rendered dangerous or difficult by reason of the disturbed state of the country.

Saving of certain proceedings had after 10th May 1857.

VI.—For the purposes of this Act, the certificate of the Zillah Judge that the sittings in any Court within his jurisdiction were suspended, or that access to any such Court was rendered dangerous or difficult, owing to the disturbed state of the country during any particular period, shall be deemed conclusive evidence of the fact.

Certificate of Zillah Judge to be conclusive evidence of the suspension of the sittings of the Court, &c.

VII.—This Act may be extended by the Governor General in Council, or by the Executive Government of any Presidency or place, to any District within the limits of their respective jurisdictions.

Extension of Act.

The 7th August 1858.

ACT No. XXXI. OF 1858.

An Act to make further provision for the settlement of Land, gained by alluvion, in the Presidency of Fort William in Bengal.

WHEREAS, for the removal of doubts respecting the course proper to be followed in the settlement of land added by alluvial accession to estates paying revenue to Government, it is expedient to lay down certain rules to be observed in the settlement of such land; It is enacted as follows:—

Preamble.

I.—When land added by alluvial accession to an estate paying revenue to Government, becomes liable to assessment, if it be so agreed on between the Revenue authorities, and the proprietor or proprietors, the revenue assessed upon the alluvial land may be added to the jumma of the original estate; and in such case a new engagement shall be executed for the payment of the aggregate amount, and that amount shall be substituted in the Collector's rent-roll for the former jumma of the original estate. If the proprietor or proprietors object to such an arrangement, or if the Revenue authorities are of opinion that a settlement of the alluvial land cannot properly be made for the same term as the existing settlement of the original estate, the alluvial land shall be assessed and settled as a separate estate with a separate jumma, and shall thenceforward be regarded and treated as in all respects separate from and independent of the original estate, whether the separate settlement be made with the proprietor or proprietors, or the land be let in farm in consequence of the refusal of the proprietor or proprietors to accept the terms of settlement. The separate settlement may be permanent, if the settlement of the original estate is permanent.

In what case the Revenue assessed upon alluvial land may be added to the jumma of the original estate.

In what cases there shall be a separate settlement.

II.—Nothing contained in the preceding Section shall affect the rights of any under-tenant in any alluvial land under the provisions of Clause I., Section IV., Regulation XI. 1825. It shall be the duty of all Officers making settlements of such land, whether the land be settled separately or incorporated with the original estate, to ascertain and record all such rights recording to the rules prescribed in Regulation VII. 1822; and to determine whether any and what additional rent shall be payable in respect of the alluvial land by the person or persons entitled to any under-tenure in the original estate. The provisions of the said Regulation, so far as the same may be applicable, are hereby declared to extend to all settlements made under this Act.

Rights of under-tenants in alluvial land.

III.—Every separate settlement of alluvial land heretofore made, shall be as good and effectual for the purposes specified in Section I., as the same would have been if made subsequently to the passing of this Act. Provided that nothing contained in this Act shall be held to affect the rights which any person may have acquired, under a judicial decision or otherwise, before the passing of this Act.

Separate settlements of alluvial lands heretofore made.

The 4th September 1858.

ACT No. XXXV. OF 1858.

An Act to make better provision for the care of the Estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.

Preamble.

WHEREAS it is expedient to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of judicature; and to prescribe general rules by which the state of mind of persons not subject to such jurisdiction, who are alleged to be Lunatic, may be enquired into and ascertained; It is enacted as follows:—

Regulations repealed.

I.—So much of Section V., Regulation X. 1793, of Section IX., Regulation LII. 1803, of Regulation I. 1800, and of Section XXIX., Regulation VIII. 1805 (extended to Benares by Section II., Regulation VI. 1822), of the Bengal Code; and so much of Sections VI. and VII., Regulation V. 1804, and of Sections XX. and XXII of the said Regulation (as modified by Section III., Regulation X. 1831), of the Madras Code, as relate to Lunatics or idiots—are hereby repealed.

Civil Court on application may institute enquiry when a person possessed of property is alleged to be a Lunatic.

II.—Whenever any person not subject to the jurisdiction of the Supreme Courts, who is possessed of property, is alleged to be a Lunatic, the Civil Court, within whose jurisdiction such person is residing, may, upon such application as is hereinafter mentioned, institute an enquiry for the purpose of ascertaining whether such person is, or is not of unsound mind, and incapable of managing his affairs.

Application by whom to be made.

III.—Application for such enquiry may be made by any relative of the alleged Lunatic, or by any Public Curator appointed under Act XIX. of 1841, or by the Government Pleader, or, if the property of the alleged Lunatic consist in whole or in part of land, or any interest in land, by the Collector of the District in which it is situate, if the property or any part thereof be of such a description as by the law in force in any Presidency where such property is situate, would subject the proprietor, if disqualified, to the superintendence of the Court of Wards, the application may be made by the Collector on behalf of the Court of Wards.

Notice of enquiry to be given to Lunatic.

IV.—When the Civil Court is about to institute any such enquiry as aforesaid, it shall cause notice to be given to the alleged Lunatic of the time and place at which it is proposed to hold the enquiry.

Service of notice.

If it shall appear that the alleged Lunatic is in such a state that personal service on him would be ineffectual the Court may direct such substituted service of the notice as it shall think proper. The Court may also direct a copy of such notice to be served upon any relative of the alleged Lunatic.

Court may require attendance of, and may authorize

V.—The Civil Court may require the alleged Lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or

persons to have access to Lunatic for the purpose of examination.

by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged Lunatic. The Court may likewise make an order, authorizing any person or persons therein named, to have access to the alleged Lunatic for the purpose of a personal examination.

Rules respecting attendance and examination where the alleged Lunatic is a woman of rank.

VI.—The attendence and examination of the alleged Lunatic under the provisions of the last preceding Section shall, if the alleged Lunatic be a woman who, according to the manners and customs of the Country, ought not to be compelled to appear in public, be regulated by the rules in force for the examination of such persons in other cases.

Appointment of Assessors.

Order of Court.

VII.—The Civil Court if it think fit, may appoint two or more persons to act as Assessors, to the Court in the said enquiry. Upon the completion of the enquiry, the Court shall determine whether the alleged Lunatic is or is not of unsound mind, and may make such order as to the payment of the costs of the enquiry by the person upon whose application it was made, or out of the estate of the alleged Lunatic if he be adjudged to be of unsound mind, or otherwise as it may think proper.

Issue of the Commission to a subordinate Court.

VIII.—If the alleged Lunatic reside at a distance of more than fifty miles from the place where the Civil Court to which the application shall have been made is held, the said Court may issue a Commission to any subordinate Court to make the enquiry, and thereupon the said subordinate Court shall conduct the enquiry in the manner hereinbefore provided. On the completion of the enquiry, the subordinate Court shall report its proceedings with the opinions of the Assessors, if Assessors have been appointed, and its own opinion on the case; and thereupon the Civil Court shall make such order in the case as it may think proper.

Report of subordinate Court.

Order of Civil Court.

Management of Lunatic's estate, if consisting of property subject to Court of Wards.

IX.—When a person has been adjudged to be of unsound mind, and incapable of managing his affairs, if the estate of such person or any part thereof consist of property which, by the law in force in any Presidency, subjects the proprietor, if disqualified, to the superintendence of the Court of Wards, the Court of Wards shall be authorized to take charge of the same.

In all other cases.

In all other cases, except as otherwise hereinafter provided, the Civil Court shall appoint a Manager of the estate. Any near relative of the Lunatic or the Public Curator, or if there be no Public Curator, any other suitable person may be appointed Manager.

Appointment of Guardian by Civil Court.

X.—Whenever a Manager of the estate of a Lunatic is appointed by the Civil Court, the Court shall appoint a fit person to be Guardian of the person of the Lunatic. The Manager, unless he be the Public Curator, may be appointed Guardian. Provided always that the legal heir of the Lunatic shall not in any case be appointed Guardian of his person.

XI.—If the estate consist in whole or in part of land, or any interest in land not subject to the jurisdiction of the Court of Wards, the Civil Court, instead of appointing a Manager, may direct the Collector to take charge of the estate, and thereupon the Collector shall appoint a Manager of the property and a Guardian of the person of the Lunatic. All the proceedings of the Collector in the charge of estates under this Act, shall be subject to the control of the superior Revenue Authorities.

Management of Lunatic's estate if consisting of land not subject to Court of Wards.

Proceedings of Collector subject to control of superior Revenue Authorities.

XII.—If the person appointed to be Manager of the estate of a Lunatic, or the person appointed to be Guardian of a Lunatic's person, shall be unwilling to discharge the trust gratuitously, the Court or the Collector, as the case may be, may fix such allowance or allowances to be paid out of the estate of the Lunatic as, under the circumstances of the case, may be thought suitable.

Remuneration of Managers and Guardians.

XIII.—The person appointed to be Guardian of the Lunatic's person, shall have the care of his person and maintenance. When a distinct Guardian is appointed, the Manager shall pay to the Guardian such allowance as shall be fixed by the Court or the Collector, as the case may be, for the maintenance of the Lunatic and of his family.

Duties of Guardian.

XIV.—Every Manager of the estate of a Lunatic appointed as aforesaid, may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a Lunatic; and may collect and pay all just claims, debts, and liabilities due to or by the estate of the Lunatic. But no such Manager shall have power to sell or mortgage the estate or any part thereof, or to grant a lease of any immoveable property for any period exceeding five years, without an order of the Civil Court previously obtained.

Powers of Managers.

XV.—Every person appointed by the Civil Court or by the Collector to be Manager of the estate of a Lunatic, shall within six months, from the date of his appointment, deliver in Court or to the Collector, as the case may be, an inventory of the landed property belonging to the Lunatic, and of all such sums of money, goods and effects, as he shall receive on account of the estate, together with a statement of all debts due by or to the same. And every such Manager shall furnish to the Court or to the Collector annually, within three months of the close of the year of the era current in the District, an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands. If any relative of the Lunatic, or any public Officer, by petition to the Court, shall impugn the accuracy of the said inventory and statement, or of any annual account, the Court may summon the Manager, and enquire summarily into the matter, and make such order thereon as it shall think proper; or the Court, at its discretion, may refer any such petition to any subordinate Court, or to the Collector, if the Manager was appointed by the Collector.

Managers to furnish inventory and annual accounts.

Proceeding if accuracy of inventory or accounts be impugned.

XVI.—All sums received by a Manager on account of any estate in excess of what may be required for the current expenses of the Lunatic or of the estate, shall be paid into the public Treasury on account of the estate, and may be invested from time to time in the public Securities.

Manager to pay proceeds of estates into the Public Treasury.

XVII.—It shall be lawful for any relative of a Lunatic to sue for an account from any Manager appointed under this Act, or from any such person after his removal from office or trust, or from his personal representative in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.

Relative may sue for an account.

XVIII.—The Civil Court, for any sufficient cause, may remove any Manager appointed by the Court, not being a Public Curator, and may appoint such Curator or any other fit person in his room, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all monies received or disbursed by him. The Court may also, for any sufficient cause, remove any Guardian appointed by the Court. In like manner the Collector for any sufficient cause may remove any Manager or Guardian appointed by the Collector, and the Court on the application of the Collector shall compel any Manager so removed to deliver his accounts and the property in his hands.

Removal of Manager or Guardian.

XIX.—The Civil Court may impose a fine not exceeding five hundred Rupees on any Manager of the estate of a Lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the prescribed time, or a time fixed by the Court, and may realize such fine by attachment and sale of his property under the rules in force for the execution of decrees of Court, and may also commit the recusant to close custody until he shall deliver such accounts or property.

A Manager refusing to furnish accounts, may be fined by the Court, &c.

XX.—If it appears to the Civil Court having regard to the situation and condition in life of the Lunatic and his family, and the amount and description of his property, to be unnecessary to appoint a Manager of the estate as hereinbefore provided, the Court may, instead of appointing such Manager, order that the property (if money) or (if of any other description) the produce thereof, when realized, be paid to such person as the Court may think fit, to be applied for the maintenance of the Lunatic and his family.

Judge may in certain cases apply property for Lunatic's maintenance without appointing any Manager.

XXI.—When any person has been adjudged to be of unsound mind, and incapable of managing his affairs, if such person or any other person acting on his behalf, or having or claiming any interest in respect of his estate, shall represent by petition to the Civil Court, or if the Court shall be informed in any other manner, that the unsoundness of mind of such person has ceased, the Court may institute an enquiry for the purpose of ascertaining whether such person is or is not still of unsound mind, and incapable of managing his affairs. The enquiries shall be conducted in the manner provided in Section IV. and the four following Sections of this Act; and if it be adjudged that such person has ceased to

Procedure for delivery of estate to a person who has ceased to be of unsound mind.

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be of unsound mind and incapable of managing his affairs, the Court shall make an order for his estate to be delivered over to him, and such order shall be final.

Orders to be open to appeal.

XXII.—Except as otherwise herein provided, all orders made by a Civil Court or by any subordinate Court under this Act, shall be open to appeal under the rules in force for appeals in miscellaneous cases.

Interpretation.
"Lunatic."
"Civil Court."
Gender.

XXIII.—The word "Lunatic," as used in this Act, unless the contrary appears from the context, shall mean every person found by due course of law to be of unsound mind, and incapable of managing his affairs. The expression "Civil" shall mean the principal Court of original jurisdiction in the District. Words importing the masculine gender, shall include females.

ACT No. XXXVI. OF 1858.

An Act relating to Lunatic Asylums.

Preamble.

WHEREAS it is expedient to provide for the reception and detention of Lunatics in Asylums established for that purpose; It is enacted as follows:—

Lunatic Asylums may be established by Government, or may be licensed.

I.—The Executive Government of any Presidency or place, with the sanction of the Governor General of India in Council, may establish Asylums for the reception and detention of Lunatics at such places within the limits of the said Government, as may be deemed proper. Any such Executive Government may also, if it think fit, grant licenses to any private persons for the establishment of such Asylums within the said limits, and may withdraw such licenses.

Rules for the management of Asylums to be sanctioned by Government.

II.—The management of every Lunatic Asylum, and the care and custody of its inmates, shall be regulated according to such rules, as shall from time to time be sanctioned by the Executive Government. The Executive Government shall appoint for every Asylum not less than three visitors, one of whom at least shall be a Medical Officer. The Inspector of Jails (where such Office exists,) shall be a visitor ex-officio of all the Asylums within the circle of his inspection.

Appointment of visitors.

Monthly inspection by visitors.

III.—Two or more of the visitors, one of whom shall be Medical Officer, shall, once at the least in every month, together inspect every part of the Asylum or Asylums of which they are visitors, and see and examine, as far as circumstances will permit, every Lunatic therein, and the order and certificate for the admission of every Lunatic admitted since the last visitation of the visitors; and shall enter in a book to be kept for that purpose any remarks which they deem proper in regard to the management and condition of the Asylum, and the Lunatics therein.

IV.—It shall be the duty of every Darogah or District Police Officer to apprehend and send to the Magistrate all persons found wandering at large within his District, who are deemed to be Lunatics, and all persons believed to be dangerous by reason of Lunacy. Whenever any such person as aforesaid is brought before a Magistrate, the Magistrate, with the assistance of a Medical Officer, shall examine such person, and if the Medical Officer shall sign a certificate in the form A. in the Schedule to this Act, and the Magistrate shall be satisfied on personal examination, or other proof that such person is a Lunatic and a proper person to be detained under care and treatement, he shall make an order for such Lunatic to be received into the Asylum established for the Division in which the Magistrate's jurisdiction is situate, or if such Lunatic is not a native of the country, and the circumstances of the case so require, into a Lunatic Asylum at the Presidency; and shall send the Lunatic in suitable custody to the Asylum mentioned in such order. Provided that, if any friend or relative of any Lunatic who is believed to be dangerous, shall undertake in writing to the satisfaction of the Magistrate that such Lunatic shall be properly taken care of, and shall be prevented frrm doing injury to himself or others, the Magistrate, instead of sending him to an Asylum, may make him over to the care of such friend or relative. Provided also that, if any such friend or relative shall desire that the Lunatic may be sent to a licensed Asylum instead of the public Asylum of the Division, and shall engage in writing to the satisfaction of the Magistrate to pay the expenses which may be incurred for the lodging, maintenance, medicines, clothing, and care of the Lunatic in such Asylum, the Magistrate may send the Lunatic to the licensed Asylum mentioned in the engagement.

Wandering and dangerous Lunatics to be sent to the Magistrate.

Certificate and order for reception in Asylum.

In certain cases, a Lunatic may be committed to the care of his friends or relatives.

Or sent to a licensed Asylum.

V.—If it shall appear to the Magistrate, on the report of a Police Officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a Lunatic, is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may send for the supposed Lunatic and summon such relative or other person as has or ought to have the charge of him, and if such relative or other person be legally bound to maintain the supposed Lunatic, the Magistrate may make an order for such Lunatic being properly cared for and treated, and if such relative or other person shall wilfully neglect to comply with the said order, may commit him to Jail for a period not exceeding one month. If there be no person legally bound to maintain the supposed Lunatic, or if the Magistrate think fit so to do, he may proceed as prescribed in the last preceding Section, and upon being satisfied in manner aforesaid, that the person deemed to be a Lunatic is a Lunatic, and a proper person to be detained under care and treatment, may make an order for his reception into such Asylum as aforesaid It shall be the duty of every Darogah or

In case of neglect or cruel treatement of a Lunatic, Magistrate may order relative, &c. to maintain him.

If no person bound to maintain him, Magistrate may make an order for his reception in Asylum.

Darogah to report neglect.

District Police Officer to report to the Magistrate every such case of neglect or cruel treatment as aforesaid which may come to his knowledge.

Commissioner of Police, &c. to act in the Presidency Towns and Straits' Settlement.

VI.—All acts which the Magistrate is authorized or required to do by the two last preceding Sections, may be done in the Presidency Towns and the Stations of the Straits' Settlement by the Commissioner of Police; and all duties which a Darogah or District Police Officer is authorized or required to perform, may be performed in any of the said Towns and Stations by an Officer of the Police Force not below the rank of Inspector.

Order and certificate in Presidency Towns and Straits' Settlement.

VII.—Except as otherwise hereinbefore provided, no person shall be received into a Lunatic Asylum in any Presidency Town or in any Station of the Straits' Settlement without an order under the hand of some person in the Form B. in the Schedule to this Act, together with such statement of particulars as is contained in the said Form B, nor unless such person has been found Lunatic by inquisition, or under an enquiry directed by an order of one of the Courts of Judicature established by Royal Charter, without the medical certificate containing the particulars in Form A. in the Schedule to this Act, of two persons, each of whom shall be a Physician or Surgeon, and one of whom shall be a Presidency Surgeon or a Surgeon in the employment of the Government. When such order is presented, the visitors or manager of the Asylum, before admitting the Lunatic into the Asylum, may require the friends of the said Lunatic to engage to pay the expenses which may be incurred for the lodging, maintenance, clothing, medicine, and care of the Lunatic, unless it shall appear to the said visitors, that they have not sufficient means of doing so.

In places other than Presidency Towns, &c., no person to be received into Asylum without order of Civil Court.

VIII. *Clause* 1.—In places other than those specified in the last preceding Section, no person shall be received into a Lunatic Asylum, except as otherwise hereinbefore provided, without an order of the Civil Court.

Application for order by whom to be made where Guardian has been appointed.

Clause 2.—When any person has been adjudged to be a Lunatic, and a guardian for such Lunatic has been appointed by the Court of Wards, or the Collector, or by the Civil Court, if such guardian shall desire that the Lunatic be admitted into a Lunatic Asylum, he shall make application to the Civil Court, and the Judge, with the assistance of a Medical Officer, shall examine such Lunatic, and if the Medical Officer shall sign a certificate in Form A. in the Schedule to this Act, and the Judge shall be satisfied that the Lunatic is a proper person to be detained under care and treatment in a Lunatic Asylum, he shall make an order for such person to be received into the Asylum established for the Division in which his jurisdiction is situate, or, if he think fit, into any licensed Asylum mentioned in the application.

Application where no Guardian has been appointed.

Clause 3.—If any relative or friend of any person for whom a guardian has not been appointed by the Court of Wards, or the Collector, or by the Civil Court, desires that such person may be admitted into a Lunatic Asylum, he may make application to the Civil Court, and the Judge, if he see sufficient reason for so doing, shall en-

quire into the fact of Lunacy in the same manner as if an application had been made to the Civil Court under the provisions of Section III. of Act XXXV. of 1858, entitled "An Act to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature;" and if the Lunacy be established, the Judge may then proceed in the manner prescribed in the second Clause of this Section.

Clause 4.—Whenever the Judge shall make an order for the reception of any person into a Lunatic Asylum, he shall, at the same time, make an order for the payment of the expenses to be incurred for the lodging, maintenance, clothing, medicine, and care of such person, and such expenses shall be recovered by the Judge on the application of the visitors or manager of such Asylum. Provided however that, if it shall appear to the satisfaction of the Judge that the Lunatic has not sufficient property, and that no person legally bound to maintain the said Lunatic has sufficient means for the payment of such expenses, he shall certify the same in the order for the reception of the Lunatic into the Asylum, instead of making such order for the payment of expenses as aforesaid.

Order for payment of expenses.

Proviso.

IX. It shall be lawful for three of the visitors of any Asylum, of whom one shall be a Medical Officer, by writing under their hands, to order the discharge of any person detained in such Asylum. When such order is given, if the person is detained under the order of any public Officer, notice of the order of discharge shall be immediately communicated to such Officer.

Order of discharge from Asylum.

X.—When any relative or friend of a Lunatic detained in any Asylum under the provisions of Section IV., Section V., or Section VI. of this Act, is desirous that such Lunatic should be delivered over to his care and custody, he shall make application to the Magistrate or Commissioner of Police under whose order the Lunatic is detained, and the Magistrate or Commissioner of Police, if he think fit, after communication with the visitor or with one of them being a Medical Officer, and upon the undertaking in writing of such relative or friend to the satisfaction of the said Magistrate or Commissioner that such Lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or others, shall make an order for the discharge of such Lunatic, and such Lunatic shall thereupon be discharged.

Order of discharge on undertaking of relative for due treatment of the Lunatic.

XI.—The Inspector of Jails may direct the removal of any Lunatic from any public Asylum to any other public Asylum within the circle of his inspection, and such order shall be sufficient authority for the removal of such Lunatic, and also for his reception into the Asylum to which he is ordered to be removed.

Inspector of Jails may make order of removal from one public Asylum to another.

XII.—If after the reception of any Lunatic into any Asylum, it appear that the order or the medical certificate, or certificates upon which he was received is, or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the said Asylum, one of whom shall be a Medical Officer.

Amendment of order or certificate.

XIII.—Every person received into a Lunatic Asylum under any such order as is required by this Act accompained by the requisite medical certificate, may be detained therein until he be removed or discharged as authorized by this Act, and in case of escape may, by virtue of such order, be re-taken by the manager of such Asylum, or any Officer or servant belonging thereto, or any other person authorized in that behalf by the said manager, or any Police Officer, and conveyed to and received and detained in such Asylum.

Certificate and order to justify detention and re-capture after escape.

XIV.—When any Lunatic is sent to a licensed Asylum by order of a Magistrate or Commissioner of Police, under Section IV., Section V., or Section VI. of this Act, and when a Lunatic is admitted into such Asylum under Section VII., or an order for the reception of a Lunatic is made under Section VIII., and no engagement has been taken from the friends of the Lunatic, or order made by the Judge for the payment of expenses under the said Section VII., or Section XIII. respectively, the expense of the lodging, maintenance, clothing, medicine and care of such Lunatic shall be paid by the Government to the manager of such Asylum.

In what cases Government to pay for the maintenance of Lunatic.

XV.—The Magistrate or Commissioner of Police by whom any Lunatic has been sent to a Lunatic Asylum, if it appear to such Magistrate or Commissioner that such Lunatic has an estate applicable to his maintenance, and more than sufficient to maintain his family, or that any person is legally bound to maintain, and has the means of maintaining such Lunatic, may apply to the chief Civil Court of original jurisdiction within the local jurisdiction of which the estate of the Lunatic may be situtate, or the person legally bound to maintain him may reside, and such Court shall enquire into the matter in a summary way, and on being satisfied that such Lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain, and has the means of maintaining such Lunatic, shall make an order for the recovery of the charges of the lodging, maintenance, clothing, medicine, and care of such Lunatic, out of such estate, or from such person. Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal as any judgement or order made by the said Court in a regular suit in respect of the property or person therein mentioned. Any personal property which may be in the possession of a Lunatic found wandering at large, may be sold by the Magistrate, and the proceeds thereof (or such part or the same as may be necessary) applied towards the payment of charges of the lodging and maintenance of the Lunatic, and of any other expenses incurred on his behalf.

Civil Court, on application of Magistrate, may make order for the payment of cost of maintenance out of the Lunatic's estate.

XVI.—The liability of any relative or person to maintain any Lunatic shall not be taken away or affected by any provision contained in this Act.

Saving of liability of relatives to maintain Lunatic.

XVII.—Nothing contained in this Act shall be taken to interfere with the power of any of the Courts of Judicature established by Royal Charter over any person found to be Lunatic by inquisition, or under the provisions of Act XXXIV.

Saving of powers of Supreme Courts, &c. and of Act IV. of 1849.

of 1858, entitled "An Act to regulate proceedings in Lunacy in Her Majesty's Courts of Judicature" or with the rights of any Committee of the person or estate of such Lunatic; or to affect the provisions of Act IV. of 1849, entitled "An Act for the safe custody of Criminal Lunatics."

Interpretation.

"Lunatic."

"Magistrate."

XVIII.—The word "Lunatic," as used in this Act, shall mean and include every person of unsound mind, and every person being an idiot.

The word "Magistrate" shall include a person exercising the powers of a Magistrate.

SCHEDULE.

FORM A.

CERTIFICATE OF MEDICAL OFFICER—*(See Sections IV. and VIII.)*

I, the undesigned, *(here enter name and official designation,)* hereby certify, that I, on the day of at personally examined *(here enter name of residence and Lunatic)* and that the said is a Lunatic *(or an idiot, or a person of unsound mind)* and a proper person to be taken charge of, and detained under care and treatment, and that I have formed this opinion on the following grounds, namely:—

1.—Facts indicating insanity observed by myself *(here state the facts.)*

2.—Other facts (if any) indicating insanity communicated to me by others *(here state the information, and from whom.*

(Signed)———————

FORM B.

ORDER FOR THE RECEPTION OF A PRIVATE PATIENT—*(See Section VII.)*

I, the undersigned, hereby request you to receive A. B., a Lunatic, [*or an idiot, or a person of unsound mind,*] as a patient into your Asylum. Subjoined is a Statement respecting the said A. B.

(Signed) name.

Occupation (if any.)

Place of abode.

Degree of relationship (if any), or other circumstance of connexion with the patient.

Dated this day of one thousand eight hundred and

To Superintendent of the

Asylum at *(describing the Asylum.)*

STATEMENT.

[IF ANY OF THE PARTICULARS IN THIS STATEMENT BE NOT KNOWN, THE FACT TO BE SO STATED.]

Name of patient, with Christian name at length.
Sex and age.
Married, single, or widowed.
Condition of life, and previous occupation (if any.)
The religious persuasion, as far as known.
Previous place of abode.
Whether first attack.
Age (if known) on first attack.
When and where previously under care and treatment.
Duration of existing attack.
Supposed cause.
Whether subject to Epilepsy.
Whether suicidal.
Whether dangerous to others.
Whether found Lunatic by inquisition, or enquiry under order of Court and date of Commission or order for inquisition or enquiry.
Whether any member of patient's family has been or is affected with insanity.
(Signed) Name.
Where the person signing the statement is not the person who signs the order, the following particulars concerning the person signing the statement are to be added; namely,
Occupation (if any.)
Place of abode.
Degree of relationship (if any,) or other circumstances of connexion with the patient.

ACT No. XXXVIII. OF 1858.

An Act to repeal Regulation V. 1832 of the Bengal Code, and to make certain provisions rendered necessary by the transfer of the Delhi Territory to the Administration of the Chief Commissioner of the Punjab.

Preamble.

WHEREAS the whole of the Delhi Territory, except such part thereof, as is specified in the Schedule to this Act annexed, has been placed under the administration of the Chief Commissioner of the Punjab, and it is expedient that Regulation V. 1832, of the Bengal Code, should be repealed; It is enacted as follows:—

Regulation repealed.

I.—Regulation V. 1832, of the Bengal Code, is hereby repealed, except as to that part of the Delhi Territory, which is mentioned in the Schedule to this Act annexed.

II.—All suits and proceedings, which were pending in any Court or before any Officer, within any part of the said Territory, except as aforesaid, at the time when the same was placed under the administration of the said Chief Commissioner of the Punjab, and which have been or shall be transferred to the Courts or Officers, which have been or shall be established or appointed for the administration of Civil and Criminal justice and the collection of the Revenues therein, shall be deemed to have been lawfully transferred to such Courts and Officers, according to their respective jurisdiction; and any suits or proceedings which, subsequently to the time when the said Territory was so placed under such administration, shall have been instituted in any such Court or before any such Officer, shall be deemed to have been lawfully instituted.

Suits and proceedings pending at the time of the transfer of the Territory.

Suits instituted subsequently.

III.—Any suit which, prior to the time when the said Territory was placed under the administration of the said Chief Commissioner, had been determined, and which hath been or shall be remanded by any Appellate Court, shall be tried before the Court which, for the time being, would be competent to try such a suit if instituted after the passing of this Act.

Suits determined before the transfer, but which may be remanded by an Appellate Court.

IV.—All appeals or proceedings now pending in the Court of Sudder Dewanny Adawlut, or in the Court of Nizamut Adawlut, or before the Sudder Board of Revenue, for the North Western Provinces, shall be determined by such Court or Board in the same manner as if this Act had not been passed; and all applications for execution of decrees or orders which, but for the passing of this Act, would have been made to any Court, existing at the period above-mentioned, shall be made to the Court or Officer, who would have had jurisdiction in respect of the matter in dispute, had the suit or proceeding been instituted after the passing of this Act.

Appeals or proceedings now pending before the Sudder Court or Board.

Applications for execution of decrees.

V.—All appeals from decrees or orders, passed before the said Territory was so placed under the administration of the said Chief Commissioner of the Punjaub, which were not pending when the said Territory was so placed under the administration of the said Chief Commissioner, shall be received, heard, and determined by the Courts or Officers, who would have had jurisdiction over such appeals, had the decrees or orders, to which they relate, been passed after the passing of this Act; and all decisions or orders passed by any such Courts or Officers on any appeals which may have been preferred between the date on which the said Territory was so placed under the administration of the said Chief Commissioner of the Punjab, and the date of the passing of this Act, shall be of the same force as if such decisions or orders had been passed after the passing of this Act.

Appeals not pending at the time of the transfer of the Territory.

SCHEDULE.

The tract, commonly called the Eastern Pergunnah, lying on the left bank of the Jumna.

The 10th December 1858.

ACT No XL. OF 1858.

An Act for making better Provision for the care of the persons and property of Minors, in the Presidency of Fort William in Bengal.

Preamble.

WHEREAS it is expedient to make better provision for the care of the persons and property of Minors, not brought under the superintendence of the Court of Wards; It is enacted as follows:—

Regulations repealed.

I.—Regulation I. 1800, Clause 8, and the six following Clauses of Section XXIX. Regulation VIII. 1805, Section V. Regulation XVII. 1805, and so much of Sections II. and III. Regulation V. 1799, and of Clauses 2 and 3, Section XVI. Regulation III. 1803, as restrict the interference of the Civil Courts in cases of inheritance by Minors, are repealed.

Persons and property of Minors not under the protection of the Court of Wards, shall be subject to jurisdiction of Civil Court.

II.—Except in the case of proprietors of estates paying Revenue to Government, who have been or shall be taken under the protection of the Court of Wards, the care of the persons of all Minors (not being European British subjects) and the charge of their property, shall be subject to the jurisdiction of the Civil Court.

What persons claiming to have charge of property in trust for a Minor, may apply for Certificate of administration.

Proviso.

No person competent to institute or defend a suit without such Certificate.

III.—Every person, who shall claim a right to have charge of property in trust for a Minor, under a Will or Deed, or by reason of nearness of kin, or otherwise, may apply to the Civil Court for a Certificate of administration; and no person shall be entitled to institute or defend any suit connected with the estate, of which he claims the charge, until he shall have obtained such Certificate. Provided that when the property is of small value, or for any other sufficient reason, any Court having jurisdiction, may allow any relative of a Minor to institute or defend a suit on his behalf, although a Certificate of administration has not been granted to such relative.

Who may apply to Court to appoint a person to take charge of the property, &c., of a Minor.

IV.—Any relative or friend of a Minor, in respect of whose property such Certificate has not been granted, or, if the property consist in whole or in part of land or any interest in land, the Collector of the District may apply to the Civil Court, to appoint a fit person to take charge of the property and person of such Minor.

To what Court application to be made, if property be situate in more than one District.

V.—If the property be situate in more than one District, any such application, as aforesaid, shall be made to the Civil Court of the District, in which the Minor has his residence.

Enquiry to be made by Court on application.

VI.—When an application shall have been made to the Civil Court, either by a person claiming a right to have charge of the property of a Minor, or by any relative or friend of a

Minor, or by the Collector, the Court shall issue notice of the application and fix a day for hearing the same. On the day so fixed, or as soon after as may be convenient, the Court shall enquire summarily into the circumstances, and pass orders in the case. Provided always, that it shall be competent to the Civil Court to direct any Court subordinate to it, to make such enquiry and report the result.

Proviso.

VII.—If it shall appear that any person, claiming a right to have charge of the property of a Minor, is entitled to such right by virtue of a Will or Deed, and is willing to undertake the trust, the Court shall grant a Certificate of administration to such person. If there is no person so entitled, or if such person is unwilling to undertake the trust, and there is any near relative of the Minor, who is willing and fit to be entrusted with the charge of his property, the Court may grant a Certificate to such relative.

Certificate of administration to whom to be granted.

The Court may also, if it think fit, (unless a Guardian have been appointed by the father), appoint such person as aforesaid, or such relative or any other relative or friend of the Minor, to be Guardian of the person of the Minor.

Court may appoint such person Guardian.

VIII.—The Court may call upon the Collector or Magistrate for a report, on the character and qualification of any relative or friend of the Minor, who may be desirous or willing to be entrusted with the charge of his property or person.

Court may call upon Collector or Magistrate for a report on the character and qualification of relative or friend.

IX.—If no title to a Certificate be established to the satisfaction of the Court by a person claiming under a Will or Deed, and if there be no near relative willing and fit to be entrusted with the charge of the property of the Minor, and the Court shall think it to be necessary for the interest of the Minor, that provision should be made by the Court for the charge of his property and person, the Court may proceed to make such provision in the manner hereinafter provided.

Proceeding, if no title to a Certificate be established, and if there be no relative fit to be entrusted with the property, &c. of a Minor.

X.—If the estate of the Minor consist of moveable property, or of houses, gardens, or the like, the Court may grant a Certificate to the Public Curator, appointed under Section XIX. Act XIX of 1841, or if there be no Public Curator, to any fit person, whom the Court may appoint for the purpose.

If estate consist only of moveable property, &c., Court may grant Certificate to Public Curator or other person.

XI.—Whenever the Court shall grant a Certificate of administration to the estate of a Minor, to the Public Curator or other person, as aforesaid, it shall at the same time appoint a Guardian to take charge of the person and maintenance of the Minor. The person to whom a Certificate of administration has been granted, unless he be the Public Curator, may be appointed Guardian. If the person, appointed to be Guardian, be unwilling to discharge the trust gratuitously, the Court may assign him such allowance, to be paid out of the estate of the Minor, as under the circumstances of the case it may think suitable. The Court may also fix such allowance as it may think proper for the maintenance of the Minor; and

Appointment of Guardian.

such allowance and the allowance of the Guardian (if any) shall be paid to the Guardian by the Public Curator or other person as aforesaid.

When the estate consists of land, Court may direct Collector to take charge of estate.

XII.—If the estate of the Minor consist, in whole or in part, of land or any interest in land, the Court may direct the Collector to take charge of estate, and thereupon the Collector shall appoint a Manager of the Property of the Minor and a Guardian of his person, in the same manner and subject to the same rules in respect of such appointments, and of the duties to be performed by the Manager and the Guardian respectively, so far as the same may be applicable, as if the property and person of the Minor were subject to the jurisdiction of the Court of Wards.

Payment of costs.

XIII.—In all enquiries held by the Civil Court under this Act, the Court may make such order, as to the payment of costs by the person, on whose application the enquiry was made, or out of the estate of the Minor, or otherwise as it may think proper.

When an estate, some of the co-proprietors of which are still Minors, ceases to be subject to the Court of Wards, Civil Court may direct Collector to retain charge of shares and persons of Minors.

XIV.—Whenever one or more of the proprietors of an estate, which has come under the jurisdiction of the Court of Wards, on account of the disqualification of all the proprietors, ceases to be disqualified, and the estate, in consequence, ceases to be subject to the jurisdiction of the Court of Wards, notwithstanding the continued disqualification of one or more of the co-proprietors, the Collector of the District, in which the estate is situated, may represent the fact to the Civil Court; and the Court, unless it see sufficient reason to the contrary, shall direct the Collector to retain charge of the persons and of the shares of the property of the still disqualified proprietors, during the continuance of their disqualification, or until such time as it shall be otherwise ordered by the Court. The Collector shall in such case appoint a Guardian for the care of the persons, and a Manager for the charge of the property of the disqualified proprietors, in the manner prescribed in Section XII. If the property be situate in more than one District, the representation shall be made by the Collector, who had the general management of the property, under the Court of Wards, to the Civil Court of his own District, and the orders of the Court of that District shall have effect also in other Districts, in which portions of the property may be situate.

Provision for case of estates situated in more than one District.

Proceedings of Collector subject to control of superior Revenue Authorities.

XV.—The proceedings of the Collector, in the charge of estates under this Act, shall be subject to the control of the superior Revenue Authorities.

Public Curator, &c. to furnish inventory and annual accounts.

XVI.—The Public Curator and every other Administrator, to whom a Certificate shall have been granted under Section X. shall, within six months from the date of the Certificate, deliver in Court an inventory of any immoveable property, belonging to the Minor, and of all such sums of money, goods, effects, and things, as he shall have received on account of the estate, together with a statement of all debts due by or to the same. And the Public Curator and

every such other Administrator shall furnish annually, within three months from the close of the year of the era current in the District, an account of the property in his charge, exhibiting the amounts received and disbursed on account of the estate, and the balance in hand. If any relative or friend of a Minor, or any Public Officer, by petition to the Court, shall impugn the accuracy of the said inventory, and statement, or of any annual account, the Court may summon the Curator or Administrator, and enquire summarily into the matter, and make such order thereon, or if shall think proper, or the Court, at its discretion, may refer such petition to any subordinate Court.

Proceeding, if accuracy of inventory or account be impugned.

XVII.—All sums received by the Public Curator, or such other Administrator, on account of any estate, in excess of what may be required for the current expenses of the Minor or of the estate, shall be paid into the public Treasury on account of the estate, and may be vested, from time to time, in the public Securities.

Public Curator, &c., to pay proceeds of estates into Treasury. Surplus funds to be invested in Public Securities.

XVIII.—Every person, to whom a Certificate shall have been granted under the provisions of this Act, may exercise the same powers in the management of the estate, as might have been exercised by the proprietor, if not a Minor, and may collect and pay all just claims, debts, and liabilities due to or by the estate of the Minor. But no such person shall have power to sell or mortgage any immoveable property, or to grant a lease thereof, for any period exceeding five years, without an order of the Civil Court, previously obtained.

Powers of person to whom Certificate has been granted in the management of a Minor's estate.

XIX.—It shall be lawful for any relative or friend of a Minor, at any time, during the continuance of the minority, to sue for an account from any Manager appointed under this Act, or from any person, to whom a Certificate shall have been granted under the provisions of this Act, or from any such Manager or person after his removal from office or trust, or from his personal representative, in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.

Relative or friend may sue for an account.

XX.—If the disqualification of a person, for whose benefit a suit shall have been instituted under this Act, cease before the final decision thereof, it shall be lawful for such person to continue the prosecution of the suit on his own behalf.

Continuance of suit instituted under this Act after disqualification shall have ceased.

XXI.—The Civil Court, for any sufficient cause, may recall any Certificate granted under this Act, and may direct the Collector to take charge of the estate, or may grant a Certificate to the Public Curator or any other person, as the case may be; and may compel the person, whose Certificate has been recalled, to make over the property in his hands to his successor, and to account to such successor for all monies, received and disbursed by him. The Court may also, for any sufficient cause, remove any Guardian appointed by the Court.

Revocation of Certificate.

Removal of Guardian.

Penalty for neglect or refusal to deliver accounts or property.

XXII.—The Civil Court may impose a fine, not exceeding five hundred Rupees, or any person, who may wilfully neglect or refuse to deliver his accounts or any property in his hands, within the prescribed time, or a time fixed by the Court; and may realize such fine by attachment and sale of his property, under the rules in force for the execution of decrees of Court, and may also commit the recusant to close custody until he shall consent to deliver such accounts of property.

Civil Court may permit resignation of trust, &c.

XXIII.—The Civil Court may permit any person, to whom a Certificate shall have been granted under this Act, not being the Public Curator, and any Guardian appointed by the Court, to resign his trust, and may give him a discharge therefrom, on his accounting to his successor, duly appointed, for all monies received and disbursed by him, and making over the property in his hands.

Remuneration of Public Curator, &c.

XXIV.—The Public Curator and every other Administrator, to whom a Certificate shall have been granted under Section X., shall be entitled to receive such commission, not exceeding five per centum, on the sums received and disbursed by him, or such other allowance, to be paid out of the Minor's estate, as the Civil Court shall think fit.

Guardians of Minors to provide for their education.

XXV.—Every Guardian appointed by the Civil Court, or by the Collector, under this Act, who shall have charge of any male Minor, shall be bound to provide for his education in a suitable manner. The general superintendence and control of the education of all such Minors, shall be vested in the Civil Court, or in the Collector, as the case may be; and the provisions of Act XXVI. of 1854, *(for making better provision for the education of male Minors, subject to the superintendence of the Court of Wards)* shall, so far as is consistent with the provisions herein contained, be applicable to the Civil Court, or to the Collector, as the case may be, in respect to such Minors, and to every such Guardian.

Act XXVI. of 1854 declared applicable.

Persons under the age of 18 years to be held Minors for the purposes of this Act.

XXVI.—For the purposes of this Act, every person shall be held to be a Minor, who has not attained the age of eighteen years.

Act not to authorize the appointment of Guardians of certain married women and other persons.

XXVII.—Nothing in this Act shall authorize the appointment of a Guardian of the person of a female, whose husband is not a Minor, or the appointment of a Guardian of the person of any Minor, whose father is living and is not a Minor; and nothing in this Act shall authorize the appointment of any person other than a female, as the Guardian of the person of a female. If a Guardian of the person of a Minor be appointed during the minority of the father or husband of the Minor, the Guardianship shall cease as soon as the father or husband, (as the case may be) shall attain the age of majority.

Guardianship during the minority of the father or husband of a minor when to cease.

Appeals.

XXVIII.—All orders passed by the Civil Court, or by any subordinate Court, under this Act, shall be open to appeal under the rules in force for appeals, in miscellaneous cases, from the orders of such Court and the subordinate Courts.

XXIX.—The expression "Civil Court," as used in this Act, shall be held to mean the principal Court of original jurisdiction in the district, and shall not include the Supreme Court; and nothing contained in this Act, shall be held to affect the powers of the Supreme Court, over the person or property of any Minor, subject to its jurisdiction. Unless the contrary appears from the context, words importing the singular number, shall include the plural number, and words importing the plural number, shall include the singular number, and words importing the masculine gender, shall include females.

Interpretation. "Civil Court."

Number.

Gender.

The 18th December 1858.

ACT No. XLI. OF 1858.

An Act to amend Regulation X. 1829 *of the Bengal Code, (for the collection of Stamp Duties.)*

WHEREAS, by the General Rule, laid down at the end of Schedule A. annexed to Regulation X. 1829, of the Bengal Code, it is declared that, if any Deed, Instrument, or Document, specified in that Schedule, shall not be contained in one sheet or piece of paper, or other material, it shall suffice, that one sheet shall bear the Stamp, provided, that the seals or signatures of the parties and witnesses be thereupon: and whereas, the said Rule has been productive of inconvenience, and there is reason to believe, that many Deeds, Instruments, and Documents have been executed since the said Regulation came into effect, in respect of which the said Rule has not been complied with; and it is expedient to repeal the said Rule, and to provide for the reception in evidence of such Deeds as aforesaid; It is declared and enacted as follows:—

Preamble.

I.—The above Rule is hereby repealed.

Part of Schedule A. Regulation X. 1829, repealed.

II.—Every Deed, Instrument, or Document, specified in the said Schedule, which is or shall be contained in more than one sheet or piece of paper, or other material, shall be deemed to be sufficiently stamped, if any one or more of such sheets or pieces of paper, or other material, shall bear the requisite stamp or stamps, equal in value to the requisite stamp, whether the signatures or seals of the parties and witnesses shall or shall not be upon such sheet or sheets. The above provision shall apply to Deeds, Instruments, and Documents, executed before this Act, as well as to Deeds, Instruments, and Documents, which shall hereafter be executed. Provided, as regards Deeds, Instruments, and Documents, which shall be executed after the first day of January 1859, that every sheet or piece of paper, or other material, which shall contain any part of such Deed, Instrument, or Document, shall be stamped with a Government Stamp, of the value of at least one anna.

Stamp on Deeds contained in more than one sheet of paper.

Proviso, as regards Deeds, &c., to be hereafter executed.

Review of judgment in certain cases in which Deeds, &c. have been rejected as not stamped.

III.—In any case in which a Deed, Instrument, or Document, has been rejected by any Court upon the ground, that the same was not stamped within the meaning of the abovementioned Rule, any party injured by the decision, may obtain a review of judgment, if the application be made within six months from the passing of this Act, and if the Court, to which the application is made, be satisfied that the Deed, Instrument, or Document, if admitted, would have led to a different decision upon the merits of the case.

Operation of Section III. limited.

IV.—Nothing in the last preceding Section shall extend to any case, in which a final decision was given more than six years before the passing of this Act.

The 8th January 1859.

CONTENTS.

ORDERS OF GOVERNMENT,
NORTH WESTERN PROVINCES.

JUDICIAL DEPARTMENT.

Subject.	*Date.*	*Page.*
Containing instructions in respect to compromising cases between the parties concerned, which occurred during the period of anarchy, ...	8th March 1858.	81
Persons instrumental in the recovery of confiscated property to be remunerated at the rate of five per cent., provided they be not in the service of Government, ...	12th March 1858.	82
Notification.—Provisions of Act XIII. of 1858, for the punishment of persons who unlawfully possess or conceal arms, or other Government property, are extended to all the Districts in the North Western Provinces, ...	28th April 1858.	*ib.*
Resolution.—The districts of Jhansie, Jaloun, Humeerpore, and Chundeyree, formed into a new Division, and placed under Captain Pinkney as Commissioner of the Jhansie Division, ...	10th May 1858.	*ib.*
Resolution.—Consequent on the transfer of the Delhie Division to the Punjab, the number of Joint Magistrates is reduced to 20, at Rs. 1,000, and 9, at 700 per mensem, ...	10th May 1858.	83
To Superintendent, Police Battalions, and District Commandants of Military Police, invested with powers of a Magistrate.—Instructions in respect to other matters connected with Police Battalions, ...	10th May 1858.	85
To Commissioner, Meerut.—Bye-Laws Municipal Committee, Dehra Dhoon, ...	11th May 1858.	*ib.*
Notification.—All Cantonment Joint Magistrates required to pass the examination required of Assistant Magistrates, within one year, in failure of which they will cease to hold their appointments,	11th May 1858.	87

Subject.	*Date.*	*Page.*
Notification.—The Provisions of Act XI. of 1858, authorizing the infliction of corporal punishment in certain cases extended to the Districts of the North Western Provinces, ...	17th May 1858.	87
To Judges and Special Commissioners.—Capital sentence when passed upon any political prisoner, who has freely surrendered himself, shall not be carried into execution until a reference has been made to Government, ...	1st June 1858.	*ib.*
To Special Commissioners and Revenue Authorities.—Instructions regarding Confiscations under Act XVI. of 1857, ...	9th June 1858.	*ib.*
Notification.—No Medical Officer, Covenanted or Uncovenanted, to be appointed to the charge of a Jail Hospital, who has not passed the colloquial examination prescribed by G. O. of 1st March 1844, ...	14th June 1858.	88
To Commissioners of Divisions, Magistrates and Collectors appointed Special Commissioners for the determination of cases of wrongful dispossession under Act XX. of 1858, ...	30th June 1858.	*ib.*
Notification.—Appointing certain gentlemen, named Commissioners for the Settlement of Mussoorie, and confirming the proceedings of the General Meeting held on 1st May 1858, ...	28th July 1858.	*ib.*
Notification.—Confirming an addition to the Bye-Laws of the Municipality of Mussoorie, passed at the Annual Meeting of Householders on the 8th May 1858, ...	28th August 1858.	*ib.*
Circular.—Calls attention of all persons exercising Judicial or Magisterial powers to the Royal Act of Amnesty, and requires them to give prompt and complete effect to the terms in which pardon is therein announced.—Instructions communicated,...	5th November 1858.	89
Circular.—With reference to above, communicating additional directions regarding the application of the Royal Amnesty, ...	6th November 1858.	90
Circular.—Restricting the functions of Special Commissioners under the Penal Acts of 1857 and 1858, to the trial of crimes against the State, ...	20th November 1858.	91
Circular to Special Commissioners.—Directing that every sentence of death passed by them is to be immediately reported, with a full statement of the case, and that no such sentence is to be carried into effect without the approval and confirmation of Government, ...	20th November 1858.	*ib.*
Circular to Commissioners and District Officers.—Forwarding for information and guidance, copy of		

Subject.	*Date.*	*Page.*
G. O. by the Commander-in-Chief, relative to measures being taken to remove and counteract any probable source of disease, ...	3rd November 1858.	92
Circular.—With reference to Circular No. 4582, dated 5th November, communicating instructions regarding the treatment of Sepoys belonging to Regiments which murdered their Officers, ...	27th November 1858.	*ib.*
Notification.—Publishing for general information Clause 3, Section V. and Section VI. of Bye-Laws of the Municipal Committee of Dehra Dhoon, with amendments approved by the Governor General, ...	10th December 1858.	93
Circular to Commissioners and Magistrates.—Forwards for immediate adoption, the form of a Certificate to be given to Native Officers and Sepoys who tender submission under the terms of the Amnesty,	14th December 1858.	*ib.*
Circular to Commissioners.—Requesting the submission, as soon after the 1st January 1859 as possible, of a report showing the extent to which in each District the Amnesty has been taken advantage of, ...	14th December 1858.	*ib.*
Notification.—Extending the provisions of Sections 1, 2 and 5, Act XXVIII. of 1857, to the North Western Provinces, and authorizing the disarming of such parts of the Provinces as lie to the north of the Jumna and Ganges, ...	21st December 1858.	94
Circular.—Investing Magistrates and Collectors in the Doab and the Districts north of the Ganges with the powers of entry, search and seizure, under Section 24, Act XXVIII. of 1857, and communicating instructions for carrying out the process of disarming, ...	21st December 1858.	*ib.*
Circular.—Communicating instructions regarding the treatment of Mutineers and Rebels who may surrender themselves subsequently to the 1st January 1859, ...	27th December 1858.	96

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

FOR 1858.

JUDICIAL DEPARTMENT.

CIRCULAR No. 330.—*From* W. MUIR, *Esquire, Secretary to Government, North Western Provinces, to* .—*Judicial Department, (Criminal.)—Dated Allahabad, the 8th March* 1858.

DURING the suspension of all constituted authority, and the prevalence of anarchy throughout a large portion of the North Western Provinces, plunder and crimes of lesser violence were frequently perpetrated by the uncontrolled people among themselves. It has been represented that the parties concerned are often ready to compromise such cases, and instructions have been solicited for the guidance of the Officers of Government in that event.*

2.—The Right Honorable the Governor General draws a broad distinction between acts committed directly against the Government, or with a view to the subversion of its authority, and acts of plunder and minor violence, committed by the people amongst themselves, when the restraining power of Government was in abeyance.

3.—The Governor General does not desire that all crimes, falling under the latter category, should be treated as crimes against the State. Ringleaders as well as persons concerned in heinous offences and acts of aggravated violence, against whomsoever committed, must be prosecuted and brought to exemplary punishment; and, where complaints are lodged, the cases, whether great or small, must of course be taken up and disposed of as between the parties. But if the claim be for restitution of property plundered, or for damages in consequence of injuries sustained, during the period of suspended authority, His Lordship would approve and encourage the admission of a compromise between the prosecutor and the defendants; and wherever this may be effected, and the case is one marked by no circumstances of special aggravation, criminal proceedings may be stayed conditionally on the fulfilment of the compromise within a reasonable term.

4.—I am to communicate His Lordship's wish that these principles may be inculcated upon all the officers of Government, employed in criminal proceedings.

* *Extract of letter from Mr. R. H. Davies, Officiating Magistrate of Azimgurh, dated 3rd February.*

Paragraph 5. With regard to the remaining offenders, the plaintiffs withdraw their charges. They file razeenamahs, in which they state that they have received from the defendants the value of their plundered property. * * *

6. These cases are but samples of hundreds, and the time seems to have arrived when some general rules ought, if possible, to be laid down regarding the expediency and legality of such compromises.

7. On the one hand, the number of men implicated, is so great,—in these cases 90 from different villages,—that if the letter of the law were carried into effect, our Jails would not hold them. It seems also but fair and politic to make some allowances for the excitement and temptation of a time of revolution, when all legal authority was suddenly subverted. * * * There is little doubt that most of those led away will, with the restoration of good order, subside into their former quietude and restraint. There is also less necessity for a vindication of the law, in cases of crime committed, whilst all law was virtually suspended, and there seems to be room for forbearance on the part of Government, where the plaintiff professes to be satisfied.

CIRCULAR No. 370.—*From* E. C. BAYLEY, *Esquire, Officiating Deputy Secretary to Government, North Western Provinces, to* .—*Judicial Department, (Criminal.)—Dated Allahabad, the* 12*th March* 1858.

I AM directed by the Right Honorable the Governor General to forward, for your information and guidance, and that of the local Officers in your Division, the annexed copy of a letter from the Secretary to the Government of India, in the Home Department, with the Governor General, dated 27th February 1858, No. 48, relative to the payment, at the rate of 5 per cent., of remuneration to parties unconnected with the civil administration of the Country, who may be instrumental in the recovery of confiscated property.

No. 48.—*From the Secretary to Government of India, with the Governor General, to the Secretary to Government, North Western Provinces.—Home Department.—Dated Camp Allahabad, the* 27*th February* 1858.

WITH reference to the letter from the Secretary to Government, Central Provinces, dated 7th January last, No. 145, I am directed to state that, in the opinion of the Governor General, it is not only fair but expedient that persons who may recover, or may give information, leading to the recovery of confiscated property, which, but for the exertions of those persons, would have remained undiscovered, should be remunerated, and the rate of 5 per cent. is equitable; it being understood, that such per centage shall cover all expenses that may be incurred by the parties in the recovery of the said property.

2.—But, at the same time, it appears to His Lordship proper that, all Officers engaged in the civil administration of the Country, as Judges, Magistrates, and their Assistant Commissioners, Deputy Commissioners, Assistant, and Extra-Assistant Commissioners, whether Native or European, should not be entitled to the benefit of this Rule. It is the duty of all those Officers to protect the interests of the Government, and to facilitate the seizure of confiscated property, wherever it may be found, and no special remuneration should be, or, it is to be hoped, is required to induce those Officers to discharge their proper duty.

No. 1053.—*Notification.—Judicial Department.—Dated Allahabad, the* 28*th April* 1858.

The provisions of Act XIII. of 1858, for the punishment of persons who unlawfully possess or conceal arms, or other Government property, are extended to all the districts of the North Western Provinces.

No. 493.—*Notification.—Judicial Department, (Criminal.)—Dated Allahabad, the* 10*th May* 1858.

THE Right Honorable the Governor General has been pleased to form the districts of Jhansie, Jaloun, Humeerpore, and Chundeyree, into a new Division.

The Commissioner of Jhansie will exercise the functions of Commissioner of Circuit, for the Humeerpore district, and the Pergunnahs of Koonch and Calpee, in Jaloun.

The Humeerpore district and the Pergunnahs of Koonch and Calpee, will remain under the Civil jurisdiction of the Judge of Banda.

APPOINTMENT.

Captain Francis Wingrove Pinkney, to be Commissioner of the Jhansie Division.

No. 1314.—*Resolution.—Judicial Department, (Criminal,)—Dated Allahabad, the 10th May* 1858.

THE establishment of Joint Magistrates and Deputy Collectors being unattached to districts, the Right Honorable the Governor General has had under consideration the propriety of reducing the number of those Officers, hitherto attached to the North Western Provinces, in consequence of the transfer from it, of the Delhie Division, to the Punjab.

The number of Joint Magistrates, employed in the Dehlie Division, has ordinarily been five, sanctions four.

As there were five districts attached to the Division, (the Agency for the 6th Bhutteeanah has always been separate) His Lordship considers that, five Joint Magistrates and Deputy Collectors may fairly be reduced from the strength of that branch, as hitherto constituted.

The number of this class of Officers, at present sanctioned, is as follows:—

23 at 1000 Rs. per mensem.
11 at 700 Rs. per mensem.

Following a similar proportion, the number to be reduced will be, three First Class Joint Magistracies at 1000 Rupees, and two Second Class at 700 Rs. per mensem.

The remaining establishment will consequently consist of

20 Officers at 1000 Rs. per mensem.
9 Officers at 700 Rs. per mensem.

Ordered, that a copy of this Resolution be communicated to the Financial Department, Calcutta.

No. 485.—*Resolution.—Judicial Department.—Dated Allahabad, the 10th May* 1858.

1.—THE Right Honorable the Governor General having had under consideration the extent and relative position of the Jubbulpore Commissionership and the Jhansie Superintendency, has been pleased to record the following observations and resolution:—

2.—The Jubbulpore Commissionership, as at present constituted, comprises eleven districts,* of which six are First Class, and five Second Class districts. The Division is straggling and irregular in shape, the opposite quarters being from three to four hundred miles apart.

* Saugor,	Mundla,	Jaloun,
Duinoh,	Hoshungabad,	Jhansie,
Jubbulpore,	Baitool,	Chundeyree.
Seonee,	Nursingpore,	

3.—The districts of Jaloun, Jhansie, and Chundeyree—all added at a comparatively recent period to the Division—are separated from it by the Vindhyan range, and stretch northward to the banks of the Jumna. They were a few years ago placed under a Superintendent, in general subordination to the Commissioner, but with a considerable degree of independent action in all departments. The tendency of recent arrangements has been to increase this independence.

4.—The re-occupation of these districts offers a suitable opportunity for reconsidering the present system.

5.—The Jubbulpore Commissionership is greatly too extensive. Even without the Jhansie Superintendency, it will consist of eight districts, covering an area of 25,000 square miles. Such a charge is alone quite sufficient to occupy the entire attention of the Commissioner.

6.—The despatch of business will be improved by detaching the Jhansie Superintendency from Jubbulpore, and placing it in immediate communication with the Government and the Board of Revenue, instead of maintaining the present circuitous course, by which references are delayed by passing through the Commissioner's office at Jubbulpore

7.—This advantage will be gained, and the Jubbulpore Commissionership lightened, by constituting the Superintendency an independent Commissionership. The area and revenues of its three districts would, however, be considerably below the standard of an ordinary Division.

	Square Miles.	Land Revenue. Rs.
Jaloun, ...	1,778	13,76,986
Jhansie, ...	1,394	4,97,058
Chandoyree, ...	556	1,21,716
Total, ...	3,728	19,95,710

8.—But the district of Humeerpore lies close to Jaloun and Jhansie, and might conveniently be attached to the new Commissionership. It is, at the same time, distant from Allahabad, and could therefore be more efficiently controlled from Jhansie; while the habits of the people, their institutions, and the character of the country, all assimilate more with Jhansie than with the Doab.

9.—In Humeerpore there are also two non-Regulation Pergunnahs, Muhoba and Jeytpore; while in Jaloun—otherwise entirely non-Regulation—there are two Pergunnahs under the Regulations, Koonch and Calpee. The miscellaneous character of the Superintendent's charge will thus not be affected by the transfer to him of the Humeerpore district.

10.—The area and land revenue of Humeerpore are noted in the margin. Its transfer will raise the Jhansie charge to an area of above 6,000 square miles, with a revenue of nearly 32 lakhs.

	Square Miles.	Land Revenue. Rs.
Total of Superintendency as above, ..	3,728	19,95,710
Humeerpore, ...	2,364	11,33,693
Total, ...	6,092	31,29,403

11.—This will form an adequate jurisdiction for a Commissioner, especially as the Superintendent will exercise the duties of Sessions Judge for the entire Division, and of Civil Judge for the greater part of it.

12.—The transfer will reduce the Allahabad Division to four districts; but it will still be the heaviest of all the Divisions in these Provinces, as regards revenue.

	Area.	Land Revenue. Rs.
Allahabad, (without Humeerpore,) ...	9,729	72,99,059
Meerut Division, ...	11,288	69,81,124
Rohilkund, ...	12,428	65,07,486
Benares, (without Goruckpore,) ...	12,397	59,78,638

13.—The Governor General therefore resolves, that the district of Humeerpore shall be separated from the Allahabad Division; and that the Jhansie Superintendency, including Humeerpore, shall henceforth form a separate Division.

14.—The Magistracy and Collectorship of Humeerpore will, for the future, be on a similar footing with the Superintendencies of Jhansie and Jaloun. The salary will be 1,500 Rs. This change will come into operation so soon as the present incumbent vacates the post.

15.—A saving of Rs. 750 will thus be available, which His Lordship has determined shall be devoted to raising the salary of the Commissioner. It will, for the future, stand at Rs. 2,750 per mensem, inclusive of travelling charges.

16.—As Commissioner of Circuit, the Commissioner will dispose of all criminal trials under the Regulations, from those portions of his jurisdiction, that are under that system of law.

17.—In civil causes, the Regulation Pergunnahs will continue subordinate to the Judge of Banda.

18.—The District Officers will, in future, be styled "Deputy Commissioners;" the District Officer of Humeerpore will be "Magistrate, Collector, and Deputy Commissioner"

19.—The Sudder Stations of both Jaloun and Humeerpore are liable to grave objections. Humeerpore is in an extreme corner of the district. A more centrical position

would tend to greater efficiency in the administration, while it would place the Head-quarters of the District Officer nearer to Jhansie. Rauth has been suggested as a suitable locality. Much will depend on its sanatory character. This will be a point for early consideration and report by the Commissioner.

20.—Orai has been created by our administration. There is no town, and few conveniences on the spot. It has been proposed to transfer the Sudder Station to Jaloun. The Commissioner will also report on this proposal with regard to the healthiness of the place, and other considerations.

Ordered, that a copy of this Resolution be forwarded to the Government of India, Home Department, for information.

Ordered, that copies be also sent to the Sudder Court at Agra, the Sudder Board of Revenue, the Commissioner of Allahabad, the Commissioner of Jubbulpore, the Commissioner of Jhansie, and the Deputy Surveyor General.

No. 1333.—*Notification.—Judicial Department, (Criminal,) North Western Provinces.—Dated Allahabad, the* 10*th May* 1858.

The divisional and district Commandants of Police Battalions are vested with the powers of a Magistrate, with reference to offences committed by the Non-Commissioned Officers and men of the force under their respective commands.

No. 1340.—*Notification.—Judicial Department, (Criminal,) North Western Provinces.—Dated Allahabad, the* 11*th May* 1858.

The following Bye-Laws of the Municipal Committee of Dehra Dhoon, approved by the Right Hon'ble the Governor General, under Section VII. of Act XXVI. of 1850, are published for general information:—

Dehra Municipal Committee.

Bye-Laws.

Under Section VII., Act XXVI. of 1850.

I. The election and appointment of Members of Committee to be as follows:—A meeting of householders and land-proprietors shall be called by public Notification, at least one month before, and shall be held on the last Saturday of December, in every year, at the Superintendent's Office, for the purpose of preparing a list of persons from among their own number, to be recommended to Government for appointment as Members; conjointly with these officials the District Officer, the Medical Officer, and the Superintendent of Canals, as Executive Officer. The annual report and accounts shall also be then reviewed.

II. Vacancies occurring previous to such annual meeting, shall be filled by the votes of the remaining Members of Committee, subject to the approval of Government.

III. A Standing Committee shall be appointed, of which the Executive Officer must be a Member, to carry out the provisions hereinafter enumerated. An appeal will lie from their orders to the General Committee, whose decision shall be final. It will likewise be the duty of the Standing Committee to attend to complaints of nuisance, &c.,

to inspect the town and suburbs from time to time, and to report monthly for the information of the General Committee.

IV. The Standing Committee will estimate and assess the income from European residences, the rate on which shall, in no case, exceed (5) five Rupees per cent. per annum, on the actual or estimated rental of each. The assessment on property in the occupation of natives of India, at the rate of (10) ten annas per (100) one hundred Rupees, shall be fixed as heretofore, in concert with their own Punchayut. The Standing Committee will meet for this purpose, and report to the General Committee within the first week of each year.

V. The following are defined to be nuisances, and are accordingly prohibited within the limits of the Municipality:—

1*st*.—Stray dogs.

2*nd*.—The throwing of stones, earth, rubbish, and building materials, on the roads, except by permission.

3*rd*.—Refusal to permit the carrying out of the principles of conservancy, noted below.

A.—Gardens and compounds should be regulated, underwood kept down, and the growth of rank vegetation, such as wild hemp, altogether prohibited.

B.—Groves of wild mango and other forest trees amongst houses and by the road side, shall be cleared and thinned, and no boughs permitted to grow at a less height than twelve feet above the ground.

C.—Clumps of plantains on no account to be permitted to grow together nearer than twenty feet.

D.—The cultivation of rice shall be put a stop to, whenever it shall appear injurious from its vicinity to houses. Sugar-cane, Indian-corn, Bajra, and all crops above (3) three feet high, are altogether prohibited, or only to be cultivated by special permission.

E.—No huts, with straw sides, shall be erected in future, and in the event of any huts being destroyed by fire, the owners shall not be allowed to roof them with thatch, without special permission.

F.—The side drains of the streets to be at all times kept clean and open.

G.—Pools, tanks, and stagnant water to be under the regulation of the Standing Committee.

H.—A site, or sites, should be assigned for slaughter-houses, which shall not be erected elsewhere.

4*th*.—Breaking in horses in the drag in the main thoroughfares.

5*th*.—Using ground as a necessary, except within an enclosure; or keeping an open cesspool nearer than fifty yards to the public roads or water-courses.

6*th*.—Keeping a piggery within fifty yards of the same.

7*th*.—Encroaching on public roads by the temporary exposure of articles for sale, or by permanent buildings.

8*th*.—The burying of the dead within prohibited limits.

9*th*.—Musical processions on public roads to the north of the town, or on the road leading to Shorepoor; and native celebrations of a noisy character after (9) nine P. M. without express permission.

VI. Persons committing any of the above named acts, within the limits of the Municipality, shall be punishable on conviction before a Magistrate, at his discretion, by fine not exceeding (50) fifty Rupees, and continuing the same, by fine not exceeding (5) five Rupees for every day during which such nuisance is continued.

The boundaries of the Committee jurisdiction or Municipality can be learned, and the map inspected, by personal application to the Secretary.

(Signed) H. G. KEENE,
Chairman.

No. 1344.—*Notification.—Judicial Department.—Dated Allahabad, the 11th May* 1858.

MAJOR G. W. Williams, Superintendent of Police Battalions, to be Superintendent of the Cantonment Police, North Western Provinces.

It is hereby notified, that all Officers appointed Cantonment Joint Magistrates, are so appointed on the condition that they pass the examination required to be passed by Assistant Magistrates, within one year; failing in which they will cease to hold their appointments.

No. 1479.—*Notification.—Judicial Department, (Criminal).—Dated Allahabad, the 17th May* 1858.

THE provisions of Act XI. of 1858, authorizing the infliction of corporal punishment in certain cases, are extended to the districts of the North Western Provinces.

CIRCULAR No. 1752.—*From* WILLIAM MUIR, *Esquire, Secretary to Government, North Western Provinces, to all Judges and Special Commissioners.—Judicial Department.—Dated Allahabad, the 1st June* 1858.

WHENEVER capital sentence may be passed upon any political prisoner, who has freely surrendered himself, it is the command of the Right Honorable the Governor General, that the sentence shall not be carried into execution, until a reference has been made to Government.

CIRCULAR ORDER, No. 1857.—*From* WILLIAM MUIR, *Esquire, Secretary to Government, North Western Provinces, to Officers holding Commissions under the Penal Acts of* 1857, *and to the Revenue Authorities, North Western Provinces.—Judicial Department.—Dated Allahabad, the 9th June* 1858.

I AM directed by the Right Hon'ble the Governor General to communicate instructions to be observed in reference to the penalty of confiscation, which accompanies sentence under Act XVI. of 1857.

2.—According to this Act all convictions, which take place under it, carry confiscation with them. But it rests with the Government to determine, in each case, whether confiscation shall be enforced or remitted.

3.—In passing any sentence under this Act, the Special Commissioner will give immediate notice of the same to the Collector of the district, in order that he may place the property under attachment, pending the orders of the Government.

4.—In submitting the prescribed weekly return of sentences for the information of Government, the Special Commissioner will, in addition to the present statement, add, in a separate column for each case, his opinion as to whether the penalty of confiscation should be enforced or not, giving his reasons for or against such enforcement. On receipt of this statement, the Government will decide whether confiscation shall be carried out or not.

5.—The Collector of the district is also empowered to submit a report to the Government, in any case of attachment in which he may be of opinion that the sentence of confiscation should not be carried out, whether from the loyalty of the heir who would succeed to the property, or for other good and sufficient cause.

No. 1938.—*Notification.—Judicial Department, North Western Provinces.—Dated Allahabad the 14th June* 1858.

Under instructions from the Government of India, it is hereby notified, that no Medical Officer, Covenanted or Uncovenanted, shall in future be appointed to the charge of a Jail Hospital, who has not passed the colloquial examination, prescribed by General Order, Military Department, No. 60, dated the 1st March 1844.

Present incumbents are allowed twelve months to pass the examination.

Circular No. 2133.—*From* William Muir, *Esquire, Secretary to Government, North Western Provinces, to Commissioners of Divisions.—Judicial Department.—Dated Allahabad, the 30th June* 1858.

The Magistrates and Collectors in the North Western Provinces having been appointed Special Commissioners, for the determination of cases of wrongful dispossession, under Act XX. 1858., you are requested to call the attention of the several District Officers in your division, to the written proclamation to be issued, under the provisions of Section II. [in the district of Humeerpore, and for the pargunnahs of Koonch and Calpee.]

For Jhansie only.

No. 2684.—*Notification.—Judicial Department, (Criminal,) North Western Provinces,—Dated Allahabad, the 28th July* 1858.

The following gentlemen are appointed Commissioners for the Settlement of Mussoorie, under Act XXVI. of 1850, for the year 1858-59, in addition to the Ex-Officio Members :—

Mr. J. Mackinnon.
Major General C. O. Wilkinson, C. B.
The Revd. R. A. Maddock, M. A.
Mr. H. G. Scott.
Major W. M. Tritton.

The following proceedings of the General Meeting, held on the 1st May 1858, are confirmed. Rules IX. and XI. of the Bye-Laws, under the above Act, having been informally rescinded, are hereby restored to force.

Addition to Rule XX.

The following are defined to be nuisances in Mussoorie, and accordingly prohibited :—
12.—Parading the Streets and Roads in crowds, accompanied by native music.
13.—Noisy assemblies of natives, within the limits of the Settlement.

No. 3406.—*Notification.—Judicial Department, (Criminal,) North Western Provinces.—Dated Allahabad, the 28th August* 1858.

The following addition to the Bye-Laws of the Municipality of Mussoorie, passed at the Annual Meeting of the House-holders, held on the 8th May last, is hereby confirmed :—
"Sweepers" are added to the list of servants in Rule IV. whom the Commissioners may employ.

CIRCULAR ORDER, No. 4582.—*From* WILLIAM MUIR, *Esquire, Secretary to Government, North Western Provinces, to Commissioners, Judges, Special Commissioners and Magistrates in the North Western Provinces.—Judicial Department, (Criminal.)—Dated Allahabad, the 5th November* 1858.

I AM directed by the Right Hon'ble the Governor General to call the attention of all persons exercising Judicial or Magisterial powers, to the Royal Act of Amnesty, pardon and oblivion, which, by command of THE QUEEN, has been proclaimed to the people of India.

2.—Pardon is announced from the Throne in the following terms:—

"Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such, the demands of justice forbid the exercise of mercy.

"To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators in revolt, their lives alone can be guaranteed; but, in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance; and large indulgence will be shewn to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

"To all others in arms against the Government, We hereby promise unconditional pardon, amnesty, and oblivion of all offences against Ourselves, Our Crown and Dignity, on their return to their homes and peaceful pursuits.

"It is Our Royal pleasure that these terms of grace and amnesty should be extended to all those who comply with their conditions before the 1st day of January next."

3.—The Right Hon'ble the Governor General expects, and requires all Officers holding Civil authority under this Government, to give prompt and complete effect to these paragraphs of the Proclamation.

4.—All Judges and Special Commissioners will forthwith examine the indictments upon which each prisoner, whose case is now pending before them, has been committed to their Courts. And, unless the crime charged involves the murder of British subjects, or the giving asylum to murderers, or the acting as a leader or instigator of revolt, they will immediately cancel the commitment, and send back the prisoners to the Magistrate who committed them.

5.—Magistrates and Officers in the Executive charge of districts, will at once desist from the prosecution or apprehension of supposed rebels or traitors, whose crimes do not fall under any one of the three heads above specified, upon the condition that such persons consent to return, and do in fact return, to their homes and peaceful pursuits. And in respect of persons who may be under trial before them, they will, upon the same condition, remove from the indictment all charges of rebellion or or other political ground of prosecution, provided that such defendants do not come within any one of the three classes exempted from a free pardon.

6.—The Royal Act of Grace includes mutineers and deserters as well as rebels, who have not been in the service of Government; but, in admitting mutineers and deserters to the benefit of it, care must be taken to warn them that, while those who have not directly taken part in the murder of British subjects, may securely rely upon being left unmolested in their homes and in the prosecution of peaceful pursuits, those against whom the Government may obtain evidence of having been directly concerned in the murder of British subjects, will not be protected by a pardon from which they are expressly excluded, but will be sought out and brought to justice.

7.—To this end, it will be necessary that a full and accurate descriptive roll should be kept of all mutineers and deserters, admitted to pardon. This will be done by the Magistrate, who will transmit a copy of each Register to the Secretary to Government.

8.—A certificate is to be given to each mutineer, or deserter, dismissed to his home, to the effect that he will, in future, be free from all molestation, unless he shall be chargeable with taking part in the murder of British subjects.

9.—Wherever rebels are still in arms against the Government, every exertion is to be used by the Magistrate and other Civil Officers to make the leaders of the rebels, and so far as may be possible, their followers, fully acquainted with the terms upon which pardon is offered to them in the Proclamation.

10.—If, after this has been done, and after it has become certain, that the leaders have knowledge of the offer of pardon, they shall continue to commit acts of rebellion, and to oppose the authority of the Government, force may be used against them.

11.—The Civil and Military authorities are not to consider that, in such a case, they are debarred from using force, by the fact that the terms of Grace and Amnesty are extended to all who comply with the conditions before the 1st of January next.

12.—In regard to determining the punishment of offenders, to whom the amnesty does not extend, I am to add the following remarks:

13.—Those alone who have directly taken part in the murder of British subjects, are excluded from mercy. In respect of these, the law will take its course as heretofore.

14.—To those who, having knowingly given asylum to murderers, or having acted as leaders or instigators in revolt, shall surrender themselves upon the terms of the Proclamation, their lives only are guaranteed. But, in apportioning to these offenders their respective penalties, Judges, Special Commissioners, and Magistrates, will be mindful of the promise made in the Royal Proclamation, that full consideration will be given to the circumstances under which the offenders were induced to throw off their allegiance, and that large indulgence will be shown to those who were deceived by the false reports of designing men.

15.—The most guilty in this class of offenders are those who, not content with resisting the Government in their own immediate neighbourhood, have joined in the attacks made by murderers and plunderers in other parts of the country, thereby spreading violence and suffering far and wide, and those who have intimidated or compelled others to join and sustain them in rebellion. The most deserving of indulgence are those who have had a share in saving the lives of English subjects.

16.—Each case that comes under trial will be reported in Weekly Statement, as heretofore.

17.—The Right Hon'ble the Governor General, confiding in the loyalty of every man, in whom the Government has vested judicial powers, calls upon each to exercise the discretion left to him in the merciful spirit in which the Royal Proclamation has been conceived.

CIRCULAR No. 4583.—*From* W. MUIR, *Esquire, Secretary to Government, North Western Provinces, to Commissioners and District Officers.—Judicial Department,* (*Criminal*).—*Dated Allahabad, the 6th November* 1858.

ADVERTING to the orders of the Right Honorable the Governor General, conveyed in my Circular Order No. 4582, dated 5th instant, I am instructed by His Lordship to communicate the following additional directions regarding the application of the Royal Amnesty.

2. All sentences passed before the 1st of November, whether sentences on regular trial in presence of the defendants, or sentences of confiscation upon ex-parte proceedings, held under Act XXV. of 1858, in their absence, will hold good as having taken effect before the promulgation of Her Majesty's Act of pardon, amnesty, and oblivion.

3. But in cases of confiscation under Act XXV. of 1858, wherever the defendants present themselves to the District authorities, within the term fixed by the Proclamation, the Government will be prepared favourably to reconsider the sentence, provided that such defendants were not leading rebels or instigators, or that generally any material grounds of extenuation can be adduced.

4. Henceforward no fresh decisions are to be passed for political offences against any persons who do not come within the classes excepted from pardon, viz. murderers, those who have harboured murderers, leaders or instigators of revolt, and those who continue in arms against the Government. This prohibition extends to fine and confiscation under Act X. of 1858, as well as under Act XXV. of 1857.

5. The Amnesty does not cover acts of private wrong and injury. But prosecutions on this account are to be discouraged by District Officers, especially where the cause of complaint occurred during a season of anarchy. Where such time has elapsed, such cases should not be admitted, excepting upon strong *primâ facie* grounds, that a heinous offence was perpetrated, which still calls for punishment, or a heavy wrong sustained, which can now be righted. And in all cases relating to the period in question (excepting where the defendant may be charged with direct participation in wilful and deliberate murder,) compromise between the parties should not only be freely admitted, but recommended and encouraged.

CIRCULAR No. 4758.—*From* W. MUIR, *Esquire, Secretary to Government, North Western Provinces, to the Commissioner of .—Judicial Department, (Criminal).—Dated Allahabad, the 20th November* 1858.

I am commanded by His Excellency the Governor General to intimate, that the time has arrived, when, in His Lordship's opinion, the functions of Special Commissioners, under the Penal Acts of 1857 and 1858, may, with advantage, be restricted to the trial of crimes against the State.

2. You will communicate to the several Officers, holding the powers of Special Commissioner, His Lordship's desire that, they will confine their proceedings, accordingly, to offences against the State.

3. You will, at the same time, instruct the Police and Criminal authorities, throughout your Division, that, in all cases affecting person and property only, and involving no direct offence against the State, they will revert to the procedure prescribed by the previously existing laws.

4. A copy of these orders will be forwarded to the Court of Nizamut Adawlut, for the issue of such further instructions as may seem to them necessary.

CIRCULAR No. 4759.—*From* W. MUIR, *Esquire, Secretary to Government, North Western Provinces, to Special Commissioner.—Judicial Department.—Dated Allahabad, the 20th November* 1858.

I am directed by His Excellency the Right Hon'ble the Governor General to intimate, that every sentence of death passed by you, as Special Commissioner, is to be immediately reported,—with a full statement of the case,—for His Lordship's consideration, and that no such sentence is to be carried into effect, without the approval and confirmation of the Government,

No. 290.

OFFICE MEMORANDUM.

Military Department, Allahabad, 18th November 1858.

GENERAL ORDERS BY THE RIGHT HON'BLE THE COMMANDER-IN-CHIEF.

Adjutant General's Office, Allahabad, 3rd November 1858.

With advertence to General Order of the 26th August last, the Right Hon'ble the Commander-in-Chief desires to draw the attention of all Sanatory Officers to the urgent necessity that exists for their making themselves thoroughly acquainted with the country in the neighbourhood of their respective Stations, in view to such sanative measures being taken, as, on their representation, may be deemed advisable to remove or counteract any probable source of disease.

2. They should also take measures to have themselves apprized of the earliest appearance in their district of any epidemic, especially cholera; and communicate with each other regarding the peculiar features and progress of such disease.

By order of the Right Hon'ble the Commander-in-Chief.

(Signed) W. MAYHEW, *Lieut. Colonel,*
Adjutant General of the Army.

Copy of the foregoing forwarded to the Secretary to Government, North Western Provinces, with a request that all Civil Officers be instructed to co-operate, as far as possible, with Commanding Officers, on the approach or outbreak of any disease among the civil population, and to adopt measures to attain the desired result.

By order, &c.

(Sd.) R. J. H. Birch, *Major General,*
Secretary to the Government of India,
Mily. Dept., with the Governor General.

Circular Order, No. 4903.—*From* William Muir, *Esquire, Secretary to Government, North Western Provinces, to Commissioners, Special Commissioners, and Magistrates in the North Western Provinces.—Judicial Department.—Dated Allahabad, the 27th November* 1858.

Adverting to the 6th and following paragraphs of the Circular Order No. 4582, dated the 6th November 1858, I am directed by His Excellency the Right Hon'ble the Governor General to communicate the following instructions, regarding the treatment of Sepoys, belonging to Regiments, which murdered their Officers.

2. All mutineers have been admitted to mercy, with exception of those who may now or hereafter be "convicted of having directly taken part in the murder of British subjects."

3. Where it is proved that a sepoy was present at the Head-quarters of his Regiment, when the Regiment murdered its Officers, or was present with a Wing or Detachment, similarly chargeable with murder, that fact alone will not be sufficient to convict him of "having directly taken part in the murder." But, unless there is ground for reasonable presumption, that he was not implicated in aiding and abetting the murder,

he is to be retained in custody for trial hereafter. If there is ground for such presumption, he is to be allowed to go to his home.

4. A report of every order, retaining a sepoy in custody for future trial, will be promptly made to the Secretary to Government, with a Register, shewing the Regiment, name, residence, &c., of the prisoner, and an outline of the evidence.

5. Where a sepoy is known to have belonged to a Regiment, which murdered its Officers, but where there is no proof of his having been present at the quarters, at which the murder took place, he is to be allowed to go to his home.

6. Sepoys allowed to go to their homes, under paragraphs 3 and 5 of this Order, are to be warned, that if evidence should be found of their having been directly concerned in the murder of British subjects, they will be sought out, and brought to justice. The fact will be noticed in the certificate to be given to the sepoy under paragraph 8 of the Circular Order of the 5th November; and will also be noted in the Register, a copy of which is, under para. 7, to be submitted to Government.

No. 5186.—*Notification.—Judicial Department, North Western Provinces.—Dated Allahabad, the 10th December* 1858.

Clause 3, Section V. and Sections VI. of Bye Laws of the Municipal Committee of Dehra Doon, with amendments approved by His Excellency the Right Hon'ble the Governor General, under Section VII, of Act XXVI. of 1850, are published for general information:—

Clause 3 of Section V;—"Refusal to carry out the principles of conservancy, noted below."

Section VI.—"Persons committing any of the above named acts, within the limits of the municipality, shall be punishable on conviction before a Magistrate at his discretion, by fine not exceeding fifty Rupees, and continuing the same, by fine not exceeding five Rupees, for every day, during which such nuisance is continued, which may be applied to defraying the expense of removing the nuisance, any excess being chargeable to the proprietor of the estate, or person who causes the nuisance."

Circular Order, No. 5236.—*From* W. Muir, *Esquire, Secretary to Government, North Western Provinces, to Commissioners and Magistrates, in the North Western Provinces.—Dated Allahabad, the 14th December* 1858.

I am directed by His Excellency the Right Hon'ble the Governor General to forward, for immediate adoption, by Magistrates and other Civil Officers, the form of a certificate, to be given to native officers and sepoys, who tender submission under the provisions of the amnesty.

2. The extra copies will be circulated to each District Officer; and where there may be the means of multiplying copies by the Press, District Officers may avail themselves of them for having printed such number of copies as they require.

3. Officers in charge of districts will also supply these certificates to Officers, Commanding in the Field, who may desire to have them.

Circular No. 5237.—*From* W. Muir, *Esquire, Secretary to Government, North Western Provinces, to Commissioner of .—Judicial Department.—Dated Allahabad, the 14th December* 1858.

I am instructed by His Excellency the Right Honorable the Governor General to request that, as soon after the 1st of January 1859 as possible, a report may be submitted,

shewing the extent to which, in each district of your Division, the amnesty has been taken advantage of by mutineers, deserters, and rebels.

2. In respect of those who have personally tendered submission by appearance before the Magistrate, or any of his subordinate Officers, the return will be numerically accurate, and will distinguish mutineers and deserters from other rebels; and, among the latter, will indicate any persons of special rank or influence.

3. As regards other rebels, who have retired peacefully to their homes, without reporting themselves to any authority, the information of course will be only approximately accurate; but it should be as complete and correct, as the circumstances of the case will admit of.

4. You will submit the information thus supplied, in an aggregate form, for the whole Division, with any remarks which your own observation may suggest.

5. You will use your best endeavours to submit this report for His Excellency's information, at the earliest possible date.

No. 5336.—*Notification.—Judicial Department, North Western Provinces.—Dated Allahabad, the 21st December* 1858.

The Right Hon'ble the Governor General has been pleased to extend the provisions of Sections I. II. and V. Act XXXVIII. 1857, to the North Western Provinces of the Bengal Presidency.

His Lordship having resolved on disarming such parts of those Provinces, as lie to the north of the rivers Jumna and Ganges, has farther been pleased, under Section 24, Act XXVIII. 1857, to authorize a general search and seizure of arms by the Magistrates and Collectors, within the tract above specified. The Magistrate and Collector may delegate the same authority to any Officer of his establishment of rank, not lower than a Jemadar.

Circular No. 5335.—*From* William Muir, *Esquire, Secretary to Government, North Western Provinces, to the .—Judicial Department.—Dated Allahabad, the 21st December* 1858.

His Excellency the Right Hon'ble the Governor General having resolved upon disarming the population of the Doab, and the districts north of the Ganges, has been pleased to invest Magistrates and Collectors with the powers of entry, search, and seizure under Section XXIV. Act XXVIII. of 1857. A Notification to this effect will appear in the *Gazette*, which will also permit delegation of the power to any officer subordinate to the Magistrate and Collector of grade not lower than a Jemadar.

2. Section V. of the same Act, which prohibits the going armed without a certificate or license, has also been extended to these Provinces.

3. In carrying out the process of disarming, the Governor General confides in the judgment and discretion of the District Officers. Firmness and caution will be needed. The varying circumstances of different tracts, and the temper and habits of distinct classes and races, will require a corresponding treatment.

4. The following instructions of a general character will form a guide to the plan which His Lordship desires to be ordinarily pursued.

5. The Magistrate should issue Notifications, throughout each Pergunnah, to be disarmed, warning the people to take all their arms to the Thannah, and intimating that, after a fixed interval of ten days or a fortnight, (according to the extent of the Pergunnah,) wherever there may be reason to suspect that all arms have not been given

up, the provisions of Sections XXIV. and XXV. of Act XXVIII. of 1857, will be brought into operation.

6. For the purpose of judging how far arms have been completely surrendered, the process already pursued in some parts of the Meerut Division will, in most cases, be the best. The census is the ground-work of the calculation,—which may be modified wherever any sensible diminution or increase of inhabitants is known to have occurred since 1852. Then, taking the number of men for each village or town, an approximate estimate should be formed of the number of arms possessed by them. This will vary mainly according to the caste and tribe of the people. For Rajpoots and other warlike castes, the calculation may be made probably at a sword for each adult male, and an iron-bound club, or a *gurassa*, at the rate of perhaps 75 per cent. of adult men. For Putans, a sword and knife per man, and a gun or matchlock for every two men. Bunjaras, a sword or spear per man. The unwarlike classes, as bunyas, kachees, &c. might be rated at perhaps only 50 per cent. for swords.

7. Having carefully adjusted an approximate assessment of arms for each village upon this principle, the number of arms surrendered, should be compared with the number by estimate. Should the former be to any considerable extent deficient, resort should first be had to the chief Zomindars of the village or persons of influence in the neighbourhood to induce the inhabitants voluntarily to deliver any arms that may be remaining. Search under Section XXIV. of the Act, and punishment under Section XXV. should be reserved as a last resort. The Governor General will esteem that to be the most successful disarming, in which the object having been duly accomplished, resort has been in the least degree had to seizure by means of the Police.

8. It is to be clearly understood that the estimate of arms, founded on the census, is intended solely for the guidance of the disarming Officers. Proceedings are not to be stayed, because the estimated number of weapons have been given up, if there be reason to apprehend that any have been held back. The disarming is to be thorough and complete.

9. The representations of informers must be acted upon with much caution, and not until every other measure has been tried. It has been found too common a practice for informers themselves to introduce weapons into the houses of the persons against whom they complain.

10. It may be advisable to commence with a smaller tract than a Pergunnah. The process may be going forward in different circles at the same time: but at first, each circle should be under the superintendence either of the Magistrate, or of an experienced Assistant. The system, when successfully tried, in one or more quarters, may then be more freely prosecuted elsewhere.

11. There must be careful judgment and discrimination in the allotment of punishment. Where the turbulent classes hold back, it may be necessary to make some severe examples; but, wherever the parties are respectable, and the offence is not aggravated, fine is preferable to imprisonment. Sections I. and II. of the Act have been made applicable with this view, as under Section II. a discretion of fine has been given to the Magistrate.

12. A careful Register must be kept of the arms surrendered, with an indication of the owner and his residence.

13. In all districts having easy access to the Ganges Canal, or the Railway, the iron of the arms surrendered (after being broken up so as to render them useless as offensive weapons) is to be despatched to Roorkee.

14. The exemption to carry arms under Section V. is to be given sparingly. It should be conceded only in cases of rank or respectability, combined with signal loyalty. The Circular Order of the 10th July last, No. 2337, prescribed the form of license. The privilege is personal; each individual exempted must therefore be supplied with a certificate.

15. After the process of disarming has commenced, a weekly report should be submitted to the Commissioner, indicating the number of arms of sorts received during the week—with a note of fines and imprisonment under Sections II. and XXV., and of any other important features attending the operation.

CIRCULAR No. 5422.—*From* WILLIAM MUIR, *Esquire, Secretary to Government, North Western Provinces, to* .—*Judicial Department.—Dated Allahabad, the 27th December* 1858.

I AM directed by His Excellency the Right Hon'ble the Governor General to communicate the following instructions to you, regarding the treatment of mutineers and rebels, who may surrender themselves subsequently to the 1st January 1859.

2. Although by neglecting to avail themselves of the Queen's gracious pardon, before the date prescribed in the Royal Amnesty, these persons have lost all rightful title to benefit by its provisions, yet the Governor General desires that the spirit of the amnesty be still adhered to in all ordinary cases.

3. Mutineers and rebels, not included in any of the three excepted classes, will continue to be treated in accordance with the Circular Orders No. 4582, dated the 5th November, and 4583 dated the 6th November.

4. The excepted classes will, as heretofore, be tried under the Penal Commissions. But His Lordship requires that Special Commissioners shall continue to report every case of conviction to Government, and further that they shall await its orders, before carrying into execution the sentence passed,—whether it affect the life, liberty, or property of the criminal.

5. These reports should now be furnished separately for each case, instead of being thrown into a weekly statement. They should be full and detailed, both as regards the charge, the facts, and the evidence; and they should be submitted immediately on conviction.

CONTENTS.

ORDERS OF GOVERNMENT,

NORTH WESTERN PROVINCES.

REVENUE DEPARTMENT.

Subject.	*Date.*	*Page.*
Disposal of confiscated properties, ...	10th April 1858.	25
Collection of outstanding arrears of Revenue in the districts of Jaloun, Jhansie and Chundeyree, ...	10th April 1858.	27
Desiring a strict account to be kept and rendered to the Government, of all valuable Premises and pukka Houses, confiscated in Cities and Towns, ...	12th June 1858.	
Conditions on which grants of land are to be made to parties, who have rendered good service to the British Government, during the late rebellion, ...	8th June 1858.	*ib.*
Loss of revenue by the vend of plundered Stamp Papers,	15th January 1858.	29
Establishment of temporary Customs line, to prevent the importation of smuggled Salt into Allahabad,	18th February 1858.	*ib.*
Prohibition to transport Saltpetre from one place to another, in the districts of the North Western Provinces, without the permission of the Magistrate, ...	14th August 1858.	30

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

FOR 1858.

REVENUE DEPARTMENT.

CIRCULAR No. 299.—*From* W. MUIR, *Esquire, Secretary to Government, North Western Provinces, to Commissioner of the Division.—Revenue Department.—Dated Allahabad, the* 10*th April* 1858.

I AM directed by the Right Hon'ble the Governor General to forward for your information, and for the guidance of the District Officers subordinate to you, copies of a resolution recorded by His Lordship, on the disposal of confiscated properties.

2*nd*.—You will call upon each Collector to furnish you with the information required, as early as possible, guiding himself closely by the principles indicated in the resolution.

3*rd*.—The following form of Return will probably contain all the details, regarding which the Government will desire information.

Return of Confiscated Property in the District of

NAME OF REBEL.	Residence of Rebel, and name of his property.	Particulars of charge and sentence.	DETAIL OF PROPERTY.						RECOMMENDATIONS FOR DISPOSAL.				Remarks with particulars of persons to be rewarded or admitted as preferential purchasers.
			Landed.				*Personal.*				*Present Management.*		
			Malgoozaree.	Maafee.	Juma.	Estimated value.	Description.	Estimated value.	Reserved for rewards.	Proposed to be sold.	Direct.	By Lease.	

No. 298.—*Resolution.—Revenue Department, North Western Provinces.—Dated Allahabad, the 10th April* 1858.

READ an address from the Sudder Board of Revenue, No. 45, dated the 29th January last, recommending certain measures for the disposal of confiscated estates.

The Right Hon'ble the Governor General observes, that throughout these Provinces, many landed estates have been confiscated, or are likely to be confiscated in consequence of the traitorous proceedings of the proprietors.

1*st*.—It is necessary that rules be at once laid down for the disposal of such property.

2*nd*.—The following objects must be kept in view :—

First.—It is desirable that the Government should from this source confer rewards for eminent services rendered to the State by loyal subjects, such rewards will be most suitable and acceptable that can be given.

Second.—The arrangements must be such, as promptly and decisively to exclude the former proprietor, whose rights have been confiscated, from all proprietary possession, interference and influence in regard to the estate.

Third.—The future good management of the estates must be secured as far as possible.

Fourth.—If, after these objects have been duly attended to, a profit can be gained to the estate by the sale of proprietary rights not given away as rewards, it will be a legitimate source of financial improvement.

3*rd*.—In order to meet these objects it is necessary that the Government be placed at the earliest possible date in possession of a comprehensive and accurate return of all estates confiscated, or likely to be confiscated. It is also necessary to caution the subordinate authorities against making permanent arrangements without the express sanction of the Government. Recommendations may be freely offered with careful advertence to the objects above enumerated; but the District Officers will not in any case, without permission obtained, commit the Government to the final disposal of the proprietary rights in an estate.

4*th*.—A full return of villages confiscated, or likely to be confiscated under Section 7, Act XXV. of 1857, from each Division with the claims for eminent service, which might appropriately be met from this source will enable the Government to judge what portion of the confiscated property should be reserved for this purpose, and what portion may be otherwise disposed of.

5*th*.—In forming present arrangements regard must be had to the probable manner of future disposal.

6*th*.—Temporary lease for short periods not in any case exceeding five years, would probably prove more effective than Kham Tehseel, or direct management by the Government, in excluding the influence of the former proprietors where they are in cultivating occupancy. But such farms would render the estates less valuable as an immediate reward if subsequently conferred on meritorious subjects. Confiscated estates will therefore not be so leased, where it appears probable that they will eventually be bestowed as rewards. In such cases they will be kept under the direct management of the Government.

7*th*.—Those confiscated estates which are not set aside as rewards, may be disposed of by sale or by lease.

8*th*.—As regards disposal by sale, it may not be always expedient to sell to the highest bidder. Transfer in perpetuity at recommended by the Board, to indicate persons likely to administer the property to advantage, on payment of a fair valuation, will be preferable to allowing estates to fall into the hands of Buniahs possessed of little influence, and not likely to develope their resources.

9*th*.—As regards disposal by lease, wherever in consequence of the present disturbances, or for any other reason suitable selling prices cannot be realized, leases for short periods may be had recourse to.

10*th*.—The possibility of a restoration of forfeited estates under Section 8, Act XXV. of 1857, must be borne in mind. In such cases, farm for one year, or direct management, will be most convenient.

No. 293.—*From* W. Muir, *Esquire, Secretary to Government, North Western Provinces, to Captain* F. W. Pinkney, *Superintendent at Jhansie.—Revenue Department.—Dated Allahabad, the* 10*th April* 1858.

Having laid before the Right Hon'ble the Governor General your letter No. 57, dated the 25th ultimo, soliciting instructions for your guidance in the collection of outstanding arrears of Revenue in the districts of Jaloun, Jhansie, and Chundeyree, I am commanded by His Lordship to communicate the following reply:—

2.—The Rubbee crop in Bundelkund ripens early, and the demand on account of it has always been realized, to some extent, in anticipation of the dates on which it falls due. As our hold upon the Province was maintained till the beginning of June, a considerable portion of the Revenue for that harvest will probably be found to have been collected prior to the outbreak. On the other hand, neither Jaloun nor Jhansie were in a state of financial prosperity; revision of settlement was in progress in both districts; and there may have been large uncollected balances.

3.—It will probably be a work of some time to ascertain with accuracy what had been collected, and what was in arrear when our administration was displaced.

4.—It will be best, therefore, in His Lordship's opinion, to confine your first demand to the collection of the entire Khurreef instalments; those, viz. for November and December. But in doing so, you will make it distinctly understood that the Government does not forego its claim upon the arrears due for the preceding instalments.

5.—As a general rule, you will collect the entire balance in all quarters. Numerous objections will, no doubt, be brought forward, of collections having been already enforced by the rebel authorities. It is not possible for His Lordship to prescribe any rule that shall be applicable to all cases. Little information is possessed either as to the amount of such exactions, the circumstances under which they were made, or the behaviour of the landholders themselves.

6.—When the Khurreef instalments fell due, the progress of events in all parts of the country must have rendered it apparent to the people that the tenure of the usurping rulers could not be long maintained; and, excepting under Military pressure, the landholders had every reason to withhold payment, unless their sympathies were with the rebellion. Where there is ground for believing that landholders, favorably disposed to our Government, were coerced into paying Revenue to the rebels through no fault of their own, there may exist a claim for consideration.

7.—Some advertence must also be had to the means of the proprietors, and their ability to carry on the management of their estates successfully. If persons who have shewn no disaffection to the British Government have suffered from plunder and exaction, it may be inexpedient still further to trench upon their capital, and their means of conducting agricultural operations, by making a second demand on account of Revenue already paid under compulsion.

8.—These principles will be applied by you in reference to the circumstances of each particular case. And they will be held equally applicable to outstanding arrears of previous harvests, so soon as you shall have obtained accurate information as to their amount.

9.—As directed in paragraph 27th of the Circular of the Sudder Board of Revenue, dated 31st July last, you will report to the Board all instances in which you may admit any relaxation of the full demand on the above accounts, with the grounds of your determination.

10.—You will understand that no remission of any kind will be entertained in favor of any persons who are suspected of having voluntarily sided with the rebels, or shared in marauding and plundering expeditions.

11.—Non-proprietary cultivators, who have paid up their rents to the proprietors, will ordinarily be exempted from any further charge, although the proprietors may have embezzled the amount, or paid it to the rebel Government.

12.—A copy of this letter has been sent to the Sudder Board of Revenue, and the Commissioner of Jubbulpore.

CIRCULAR No. 689.—*From* W. MUIR, *Esquire, Secretary to Government, North Western Provinces, to Magistrate and Collector of .—Revenue Department.—Dated Allahabad, the 12th June* 1858.

IN continuation of Circular No. 299, dated the 10th April last, regarding the disposal of confiscated properties, I am directed to state, that it is the desire of the Right Honorable the Governor General, that a strict account should be kept, and rendered to the Government, of all valuable premises and pucka houses confiscated, in Cities and Towns.

2.—A Register should be immediately prepared, in which all such premises and houses should be indicated by separate numbers; and the mode of disposal indicated in the appropriate column.

3.—The authority of the Government is equally necessary for the disposal of such property, as for the disposal of landed estates.

No. 741.—*From* E. C. BAYLEY, *Esquire, Officiating Deputy Secretary to Government, North Western Provinces, to Commissioners of Divisions.—Revenue Department.—Dated Allahabad, the 24th June* 1858.

I AM directed to forward for your information, the accompanying copy of a letter from the Secretary, Government of India, with the Governor General, dated the 10th instant, No. 215, regarding the conditions on which grants of land conferred on persons for good services rendered to the British Government are to be made.

No. 215.—*From* G. F. EDMONSTONE, *Esquire, Secretary to the Government of India, with the Governor General, to* W. MUIR, *Esquire, Secretary to Government, North Western Provinces.—Home Department.—Dated Allahabad, the 8th June* 1858.

As it is probable that, in rewarding the good services of those who may have distinguished themselves in aiding the British Government during the late disturbances, grants of land, either entirely or in part rent-free, may be made to such persons in perpetuity or for a term of years, I am directed to intimate that, in the opinion of the Right Hon'ble the Governor General, it is very desirable that these grants should be conferred by a written deed, and that an express condition should be inserted, making the continuance of the grant dependant on the good conduct of the grantee and his successors, the holding being liable to resumption in case of any violation of this condition.

2.—I am to add, that it is contemplated to introduce in the Legislative Council a Bill to legalize the confiscation of all rent-free holdings, on proof of the misbehaviour of the party in possession; but even in the event of this becoming law, His Lordship would still consider it advisable to insert the above condition in all future grants of a like nature.

No. 160.—*Notification.—Separate Revenue Department, North Western Provinces.—Fort Agra, dated the 15th January* 1858.

THE following Rules, as embodied in a letter from the Secretary to the Government of India, Home Department, to the address of the Secretary to the Government of Bengal, dated 26th November 1857, No. 2510, for securing the interests of the Government against injury from the use of Stamped Paper plundered during the late disturbances, are published for the information and guidance of all Local Officers in the North Western Provinces:—

1.—All Stamp Paper now in the hands of Venders or in the Mofussil Treasuries, to be authenticated by the signature of some one responsible Officer in each district, the date of signing being also affixed.

2.—All Stamp Paper already prepared and hereafter supplied from the Office of Superintendent of Stamps, either to be authenticated by the signature of the Superintendent, or to bear a distinguishing mark in addition to the bicolor Stamp and the Treasury Counter-Stamp.

3.—All fresh Stamp Paper prepared in future to bear a distinguishing mark.

4.—A reward of fifteen per cent. to be paid on the value of all plundered Stamp Paper recovered and brought in an undamaged state to any Mofussil Treasury.

5.—All unauthenticated Stamp Papers in the possession of private individuals to be called in by a certain date fixed according to circumstances in each district, but not more than one month from the date of notice. Authenticated Stamp Paper of equal value to be given for all unauthenticated Paper, of which the owners can shew to the satisfaction of the Collector that it was honestly obtained from the Government and paid for. All other unauthenticated Stamp Paper to be confiscated.

6.—No document of later date than that fixed under the preceding Rule to be valid for any purpose whatever, unless written on Stamp Paper authenticated as above provided.

7.—The possession of plundered Stamped Paper, or Postage Labels, of which a satisfactory account cannot be given, to be punished with the utmost rigor, besides being regarded as evidence of rebellion.

No. 28.—*Notification.—Separate Revenue Department.—Dated Allahabad, the 18th February* 1858.

IN consequence of the disturbed condition of Bundelkund, and the suspension of a portion of the customs line in that quarter, it has become necessary to guard against the importation of smuggled salt into the divisions of Allahabad and Benares.

2.—The Right Hon'ble the Governor General is pleased, under Section III. Regulation XIV. of 1843, to notify, that a temporary preventive line is established for this purpose. It will be formed by the Jumna from its junction with the Sindh till it approaches Allahabad; and will run from thence in the direction of the south eastern frontier of the Allahabad and Mirzapore districts to a point south of the Soane.

3.—Customs jurisdiction will extend 15 miles to the east and north of this line. But no salt, excepting such as may be found in transit, will be liable to seizure; nor salt which has been brought across the Jumna at any point above its junction with the Sindh.

4.—Open Chowkees, for the passage of salt covered by rowannas, will be established at convenient points, which will be duly notified in the Collector's office and in the neighbouring tehseeldaries and thannas. For rowannas on account of salt to be passed west of Allahabad the rate of two rupees, and east of Allahabad two rupees eight annas will be levied.

5.—The penalties of Act XIV. of 1843, and the provisions of the existing Notifications in reference to the western line of customs, will be applicable to the temporary line.

Where it can be shown to the satisfaction of the Magistrate and Collector of the district, or the Collector of Customs, that any salt brought for transit across the temporary line has already paid duty on the western line, no further demand will be made.

The line will not interfere with the export of Sugar.

No. 1106.—*Notification.—Separate Revenue Department.—Dated Allahabad, the 14th August* 1858.

Under the authority vested in the Executive Government by Section XV. Act XXVIII. of 1857, the Right Hon'ble the Governor General is pleased to notify that the transport of saltpetre, from one place to another, is prohibited in the districts subject to the Government of the North Western Provinces, excepting with the consent of the Magistrate of the district signified by a written order.

CONTENTS.

ORDERS OF GOVERNMENT,

NORTH WESTERN PROVINCES.

GENERAL, FINANCIAL AND FOREIGN DEPARTMENTS.

Subject.	*Date.*	*Page.*
GENERAL DEPARTMENT.		
Merchants permitted to keep Private Presses for printing Circulars, ...	22nd January 1858.	179
Notifications regarding B. A. degree examination for 1858, and first examination of Licentiates in Medicine and Surgery for 1858, ...	28th January 1858.	*ib.*
Subjects of entrance examination for 1859, and those of B. A. degree of 1860, ...	28th January 1858.	181
Extinction of office of Chief Commissionership of the North Western Provinces, ...	12th February 1858.	182
New arrangements for Medical Department at the three Presidencies, ...	27th March 1858.	*ib.*
Examination of Superintending Surgeons for the purpose of filling up vacancies in the Military Class of the Medical College, ...	24th April 1858.	185
Relative to the collections and disbursements made by servants of Government, for the honor or support of religious institutions, ...	4th May 1858.	186
Vernacular tests for the European Officers in the Educational department, ...	19th May 1858.	187
Regulations to govern the distribution of grants-in-aid of education, ...	14th July 1858.	188
Notification regarding the modification of rules for "privilege leave,"	24th July 1858.	190
Extract from the Hon'ble Court's despatch, No. 86, dated 26th June 1858, prohibiting any expenditure in connection with education without the Hon'ble Court's authority previously obtained, ..	8th August 1858.	*ib.*

Subject.	Date.	Page.
Re-publishing for general information the Notification issued by the Governor General of India in Council, in the Home Department, No. 1948, dated 27th August last, regarding the occupation of vestry rooms by Chaplains, ...	4th September 1858.	191
Regarding the prohibition of sale of property by British Officers to natives, ...	14th December 1858.	*ib.*
FINANCIAL DEPARTMENT.		
Fixing premium of two per cent. on drafts drawn upon the Treasuries of the Delhi Division, and of the districts under Chief Commissioner, Punjaub, from the Treasuries of Meerut and Agra Divisions, ..	5th January 1858.	193
Amended form of Guarantee from Civil Servants, about to retire, ...	27th January 1858.	*ib.*
Terms on which leave will be granted to S. A. Surgeons,	2nd February 1858.	*ib.*
Removing limitation of places to which Civil Servants are to proceed on furlough, ...	3rd February 1858.	194
Gratuities to Uncovenanted Servants, who are not entitled to pension. ..	5th February 1858.	195
Uncovenanted Servants entitled to accumulated privilege leave, ...	5th February 1858.	*ib.*
Prescribing allowances of Military pensioners, when re-employed, ...	8th March 1858.	196
Salary of Uncovenanted Servants on their return from furlough, ...	9th March 1858.	*ib.*
Casual leave to Uncovenanted Servants limited to 16 days in the year, without loss of salary, ..	25th March 1858.	197
Questions connected with the comparative condition of the India finances, ...	10th April 1858.	*ib.*
Prescribing the manner in which applications from Junior Civil Servants for employment in the General Department of account, shall be made, ..	10th April 1858.	200 *ib.*
Compensation for losses by mutineers, ...	5th May 1858.	
Two months consecutive term not to be granted to Military Officers in Civil employ, ...	22nd May 1858.	201 *ib.*
Leave of absence to the Officers of the Government,..	22nd May 1858.	202
Security to be furnished by Uncovenanted Servants on sick leave, ...	26th May 1858.	
Gratuities to Widows and other helpless members of deceased Uncovenanted Servants' family, who may have lost their lives during the mutiny, ..	5th August 1858.	208
Extract from proceedings of President in Council in supersession of all former rules, laying down the course to be observed in future by all Civil and Military Officers, with respect to no demand certificates, &c.,	24th August 1858.	*ib.*

Subject.	*Date.*	*Page.*
Regarding grants of gratuities to Government Servants receiving salaries of Rs. 10 per mensem and under,	11th October 1858.	203
Admission of Fotedars to retiring pensions, ..	15th October 1858.	204
FOREIGN DEPARTMENT.		
Directing the branding of deserters and mutineers,	3rd February 1858.	205
Notification authorizing the admission of Officers, wounded during the mutiny of the Bengal Army, to the benefit of the wound pension Regulations, ..	4th February 1858.	*ib.*
Notification directing Officers awarding compensation to require from applicants a declaration to the effect that no compensation has been applied for, or received by them, in any other part of the country,	11th February 1858.	206
Enforcement of Act regarding Foreigners, ..	23rd March 1858.	*ib.*
Republishing General Orders, containing intimations for disposal of all papers seized by troops in the field,	15th May 1858.	207
Regarding Her Majesty's assumption of the Government of India, ...	1st November 1858.	208
Transfer to the Commissariat of all cattle seized, ..	5th November 1858.	210

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

FOR 1858.

GENERAL, FINANCIAL AND FOREIGN DEPARTMENTS.

No. 167.—*Notification.—General Department, North Western Provinces.—Fort Agra, the 22nd January* 1858.

THE following orders of the Right Hon'ble the Governor General in Council, No. 90 dated 9th January 1858, permitting Merchants to keep Presses, for printing Commercial Circulars, to be sent to their Constituents in England or elsewhere out of India only, without obtaining Licences from Magistrates, is published for general information :—

No. 90.—*From* C. BEADON, *Esquire, Secretary to the Government of India, to* A. R. YOUNG, *Esquire, Secretary to the Government of India.—Home Department.—Dated the 9th January* 1858.

I AM directed to acknowledge the receipt of your letter No. 1410, dated the 12th November last, with its enclosure, and in reply to state, for the information of the Lieutenant Governor, that it is not the wish of the Governor General in Council that Merchants keeping Presses only for printing Commercial Circulars, to be sent to their Constituents in England or elsewhere out of India, should be required to take out a Licence, or that the Magistrates should proceed against the Proprietors of such Presses, unless any documents printed thereat are circulated, or published in India.

No. 216.—*Notification.—General Department, North Western Provinces.—Agra Fort, the 28th January* 1858.

The following Calcutta University Notification is republished for general information :—

CALCUTTA UNIVERSITY.—MEDICINE.

LICENTIATE IN MEDICINE AND SURGERY.

FIRST EXAMINATION 1858.

1.—THE First Examination will commence on Monday, the 15th day of March 1858.

2.—Candidates will not this year be required to have passed the Entrance Examination; but on all future occasions this requirement will be insisted on.

3.—No Candidate will be admitted to this Examination, unless he have produced Certificates to the following effect:—

(*a.*) Of having completed his eighteenth year.

(*b.*) Of having been engaged in Medical Studies for two Academic years.

(*c.*) Of having attended Courses of Lectures on the following Subjects:

Descriptive and Surgical Anatomy, ...	Two Courses.
Chemistry, ...	Two Courses.
Botany, ...	One Course.
Materia Medica, ...	One Course.
Physiology, ...	One Course.
Practical Chemical Exercises in testing the nature of ordinary Poisons and in the examination of Animal Secretions and Urinary Deposits.	One Course.
Practical Pharmacy for at least three months, producing a Certificate of having acquired a practical knowledge of Preparation and Compounding of Medicines.	

(*d.*) Of having dissected during two Winter Terms, and of having completed at least Twelve Dissections during each of these Terms.

4.—These Certificates must be given to the Registrar on or before Monday, the 1st day of March 1858.

5.—A Fee of Five Rupees must be paid by each Candidate, and no Candidate will be admitted to the Examination unless he have previously paid this Fee to the Registrar. If a Candidate fail to pass the Examination, the Fee shall not be returned to him. He may be admitted to any one or more subsequent Examinations on payment of a like Fee of Five Rupees on each occasion.

6.—Candidates will be examined in the following Subjects:—

Descriptive and Surgical Anatomy.

Chemistry.

Botany.

Materia Medica and Pharmacy.

Practical Chemistry, so far as regards testing of the presence and nature of ordinary Poisons, and the examination of Animal Secretions and Urinary Deposits.

7.—The Examination will be Written, Oral and Practical.

8.—The Examinations will be conducted in the following order, *viz*: —

Monday, March 15th.—Anatomy and Physiology, (Written Paper.)

Tuesday, March 16th.—Anatomy and Physiology, (Oral and Practical.)

Wednesday, March 17th.—Materia Medica, (Written Paper.)

Thursday, March 18th.—Chemistry, (Written Paper.)

Friday, March 19th.—Practical Anatomy.

Saturday, March 20th.—Descriptive and Surgical Anatomy, (Written Paper.)

Monday, March 22nd.—Materia Medica, (Practical.)

Tuesday, March 23rd—Chemistry, (Oral.)

Wednesday, March 24th.—Botany, (Written Paper.)

Thursday, March 25th.—Botany, (Practical.)

9.—The Examinations will be held from 11. A. M. till 4 P. M. on the above mentioned days. The Candidates are required to be in attendance quarter of an hour earlier than the beginning of each Examination, in order that no time may be lost in taking their places.

10.—On the 1st of April the Examiners will arrange the successful Candidates in two Divisions, whereof the first will be arranged in the order of Merit, and the second in Alphabetical order.

11.—If, in the opinion of the Examiners sufficient merit be evinced, the Candidate who shall distinguish himself the most in Descriptive and Surgical Anatomy, the Candidate who shall distinguish himself the most in Chemistry, the Candidate who shall distinguish himself the most in Materia Medica and Pharmaceutical Chemistry, and the

Candidate who shall distinguish himself the most in Botany, shall each receive a Scholarship of Sixteen Rupees a month, for the next three years.

12.—No Candidate shall receive more than one such Scholarship, and if any Candidate shall be the most distinguished in more than one of the above-mentioned Subjects, the Examiners may award a like Scholarship to the Candidate who shall have passed the second best Examination in any such Subject, provided they think that he has evinced sufficient merit.

No. 214.—*Notification.—General Department, North Western Provinces.—Fort Agra, the 28th January* 1858.

The following Calcutta University Notification is re-published for general information:—

CALCUTTA UNIVERSITY.

Bachelor of Arts Degree Examination—1858.

The B. A. Examination will commence on Monday, the 5th April 1858, and will be held only in Calcutta.

2.—For the first three years after the establishment of the University, and therefore for the present Examination, the only requirement for Candidates for the Degree of B. A. will be, that they shew satisfactorily that they have passed the Entrance Examination, whether in this University, or in those of Madras or Bombay, and that they are of good moral character. The Certificate should be in form following:—

B. A. Examination—1858.

I certify that is, to the best of my belief, of good moral character, and has satisfied me, by the production of the Registrar's Certificate, that he has passed the Entrance Examination of the Calcutta University.

(Signed) ————

Dated }

3.—Applications must be made, and Certificates forwarded, to the Registrar, on or before the 22nd March 1858. Notice must also, at the same time, be given by the Candidates of Languages in which they wish to be examined, English being of necessity one.

4.—A Fee of Twenty-five Rupees shall be paid by each Candidate. No Candidate shall be admitted to the Examination until he shall have previously paid this Fee to the Registrar. If a Candidate fail to pass the Examination, the Fee shall not be returned to him. He may be admitted to any one or more subsequent Examinations, on payment of a like Fee of Twenty-five Rupees on each occasion.

5.—The Examination will be conducted chiefly by means of printed papers, but the Examiners may also put *viva voce* questions to any Candidate in the subjects in which they are severally appointed to examine.

6.—Candidates for this Degree will be examined in the subjects hereunto appended.

7.—Candidates will not be approved by the Examiners, unless they shew a competent knowledge in each of the undermentioned branches of Examination, and exhibit a special acquaintance with the subjects, which are printed in italics.

8.—The Examinations will be conducted in the following order.—

Monday	... April 5th	...	English.
Tuesday	... April 6th	...	Other Languages.
Wednesday	... April 7th	...	History.
Thursday	... April 8th	...	Mathematics and Natural Philosophy.
Friday	... April 9th	...	Physical Sciences.
Saturday	... April 10th	...	Mental and Moral Sciences.

9.—The Examination will be held from 10 A. M. to 1½ P. M. and from 2 to 5 P. M. on each day. Candidates are required to be in attendance a quarter of an hour earlier than the beginning of each Examination, in order that no time may be lost in taking their places.

10.—On the morning of the 19th April, being the second Monday after the Examination, the Examiner will arrange, in two Divisions, each in alphabetical order, such of the Candidates as have passed. Those in the first Division shall be recommended for the Examination in Honors.

No. 443.—*Notification.—General Department, North Western Provinces.—Dated Agra, the 12th February* 1858.

The following Extract of a Resolution in the Home Department, dated the 9th February, is published for general information:

Extract of a Resolution in the Home Department, dated Camp Allahabad, the 9th February 1858.

Paragraph 6th.—The Governor General has now resolved, that the temporary office of Chief Commissioner of Agra shall cease, and that the divisions and districts now under the authority of that officer [with the exception of the Delhie Division] shall be included with the Allahabad, Benares, and Saugor Divisions, in one Lieutenant Governorship.

7th.—Colonel Fraser, C. B., whose brief temporary administration of the North Western Provinces, under circumstances of great difficulty, has earned the approbation of the Governor General in Council, will revert to his office of Chief Engineer of the North Western Provinces.

(True Extract.)

(Signed) CHAS. McLEOD,

Registrar, Foreign Dept. with the Governor General.

With reference to the foregoing, it is hereby notified, that the Office of Chief Commissioner has ceased from this date, all Government functionaries are directed to address their future communications to the Secretary to the Government of the North Western Provinces at Allahabad.

No. 205.—*Notification.—General Department, North Western Provinces.—Dated Allahabad, the 27th March* 1858.

The following Notification, issued by the Government of India, in the Home Department, under date the 31st July 1857, No. 964, is re-published for general information:—

Under instructions from the Hon'ble the Court of Directors, conveyed in their Despatch No. 92, dated the 10th June 1857, the Right Hon'ble the Governor General of India in Council is pleased to announce, for general information, the new arrangements for the Medical Department, at the three Presidencies, which have been determined upon by the Hon'ble Court.

1.—The several Medical Boards, at the three Presidencies, are to be abolished, and the functions heretofore confided to those Boards are to be placed in the hands of an Officer at each Presidency, to be selected for that purpose by the Governor General in Council or by the Governors in Council. This Officer is to be designated Director General of the Medical Department, and to be appointed for a term of five years' service, renewable by the Government, if they should think that the interests of the public service will be thereby advanced.

The Director General is to be allowed the services of a Secretary and of an adequate Office Establishment.

2.—The Director General at each Presidency will be assisted by Officers, to be designated Inspectors General. In Bengal there will be one Officer in each of the two Divisions of the Bengal Territories, viz.:

The Lower Provinces, including Pegu,

The North Western Provinces, including the Punjaub,

who shall be the Inspector of all the Hospitals, Military and Civil, and Dispensaries, Depôts of Medical Stores, and all Establishments connected with the Medical Department in his Division. This Officer shall make periodical tours through his Division, and shall report the results of his inspection to the Director General, but he is not to be the channel of correspondence between the Director General and the Superintending Surgeons, who are, as at present, to correspond direct with the head of the Medical Department.

3.—There will be one Inspector General in each of the Presidencies of Madras and Bombay. The appointment, like that of the Director General, will be for a term of five years' service, renewable by the Government, if the interests of the public service will be thereby advanced.

4.—The number of Superintending Surgeons, at each of the three Presidencies, and there duties, will continue as at present. The succession to these appointments will not depend on seniority alone, but the selection will, as prescribed in existing Regulations, be made with reference to established character for distinguished zeal, strict assiduity, and professional ability, due regard however being had to seniority when not opposed by considerations of a still more powerful nature.

5.—Assistant Surgeons will hereafter be divided into two Classes. Those who have served ten years will be designated "1st Cass," and their Juniors "2nd Class" Assistant Surgeons.

First Class Assistant Surgeons, in Medical charge of Corps, will be allowed the Medical Staff salary of Surgeons, viz. Rupees (300) three hundred per mensem.

6.—With reference to the new Furlough Regulations, (Government General Order, No. 1150, dated 17th November 1854, paragraphs 29 to 37,) the following scale of retiring pensions is applicable to the Medical Department:—

After 17 years' service	...	...	£191	12	6
„ 21 „	...	...	„ 250	0	0
„ 25 „	...	...	„ 300	0	0
„ 29 „	...	...	„ 365	0	0
„ 32 „	...	...	„ 500	0	0
„ 35 „	...	...	„ 700	0	0

7.—By existing Regulations, a Medical Officer, holding the appointment of Member of the Medical Board, is required absolutely to retire from the Service after he has served five years in that appointment. Hereafter, a Medical Officer, who has passed a tour of duty in the highest appointments will, if he is still fit for the Service, be permitted to return to the performance of other Medical duties, until he shall have completed thirty-five years' service, and so be enabled to qualify for the highest rate of Retiring Pension.

8.—The relative rank of Medical with Military Officers, under the new arrangements, will be as follows:—

Director General with Brigadier General.

Inspector General with Colonel.

Superintending Surgeons with Lieutenant Colonels.

Senior Surgeons with Majors.

Surgeons with Captains.

Assistant Surgeons with Lieutenants.

9.—When Committees are convened by Government, and composed of Military and Medical Officers, or of these and Civilians also, the relative precedence or the Members

is to be that in which they are named in the Order convening the Committee. In such cases the President may belong to any branch of the Service.

Whenever Committees, composed of Military and Medical Officers, are convened by the Commander-in-Chief, or by other Military authorities, the President is invariably to be a Military Officer, and the Members are to take precedence according to their relative rank.

10.—The Director General, Inspector General, and Superintending Surgeons will be appointed by the Governor General in Council, or the Governors in Council.

11.—Salaries at the following rates will be allowed:—

BENGAL.

Director General.			Rs. per month.
Consolidated Pay and Allowances,	...	...	3,000
Inspector General of Hospitals.			
Consolidated Pay and Allowances,	...	...	2,000
Superintending Surgeons.			
Consolidated Pay and Allowances, with compensation for travelling expenses.	...	...	1,800

MADRAS.

Director General.			Rs. per month.
Consolidated Pay and Allowances,	...	...	2,700
Inspector General of Hospitals.			
Consolidated Pay and Allowances,	...	...	1,900
Superintending Surgeons.			
On the present scale.			

BOMBAY.

Director General.			Rs. per month.
Consolidated Pay and Allowances,	...	...	2,500
Inspector General of Hospitals.			
Consolidated Pay and Allowances,	...	...	1,900
Superintending Surgeons.			
On the present scale.			

12.—The present Members of the Medical Boards, at the three Presidencies, who may not be selected for employment, will be employed under the Orders of the Governor General in Council and Governors in Council, in such manner as, without delaying the adoption of the new system, and without reducing the allowances of incumbents, shall allow them to serve the remainder of their tour of five years' service, in the way most advantageous to the public interests.

13.—A period will be assigned, from which the new arrangements shall come into effect in Bengal, and the Governors of Madras and Bombay in Council will be pleased to fix the date at which they shall come into effect at those Presidencies respectively.

No. 341.—*Notification.—General Department, North Western Provinces.—Dated Allahabad, the 24th April* 1858.

THE following Notification, issued by the Honorable the President of the Council of India in Council, under date the 15th instant, No. 581, is re-published for general information :—

No. 584.

The Hon'ble the President of the Council of India in Council is pleased to direct, that an examination shall be held, as soon as practicable after receipt of the order, in each of the stations of the Bengal Presidency, to which Superintending Surgeons are attached, for the purpose of filling up vacancies in the Military Class of the Medical College. The College Sessions commences on the 15th June.

2.—All Candidates will be required to possess a knowledge of the Hindoostanee language, sufficient to enable them to read and write common letters or petitions, and hospital registers of sick in the Devanagri or Persian character, and to converse with a Sepoy in the Hindoostanee language.

3.—Although a knowledge of English will not be insisted on all cases, a preference in selection is to be given to those Candidates, who possess a competent knowledge of English in addition to Hindoostanee.

4.—The preference in selection, attainments being equal, will also be given to those who have already been attached to or served in Civil or Regimental Hospitals. Beyond this preference will not be given to men of any particular class, but respectable young men, especially those educated in the School of Behar, the North Western Provinces, and the Punjaub, are encouraged to offer themselves, being provided with certificates of character and acquirements from the Inspectors or Head Masters of the Schools.

5.—Those holding such recommendations from the School authorities, and certificates of physical fitness from the nearest Medical Officers, will not be required to appear before the Committees.

6.—The examination is equally open to the sons of Soldiers, and of persons engaged in civil occupations.

7.—The Candidates must be between the ages of 15 and 20 years.

8.—No Candidate will be allowed to present himself for examination who is physically unfit for the duties of a Soldier, and who cannot produce a written testimonial of his conduct and character, or afford satisfactory evidence as to who and what he is. The strictest care and attention are to be exercised in examining the credentials of all Candidates, who will, in addition, be required to bring regular Descriptive Rolls, in order that they may be identified.

9.—The Superintending Surgeon is to prepare a general Roll (in the form hereafter given) of all Candidates, to be laid before the Committee, the qualification columns being left blank for the Committee to fill up.

10.—Committees for the examination of Candidates will be convened by the Officer Commanding the Station, upon the requisition of the Superintending Surgeon, and will consist of two Medical Officers and an Interpreter.

11.—These Examinations will, in future, be final as regards the admission of the Candidates into the Medical College, no subsequent examination in the College of Fort William being required.

12.—Each passed Candidate is to be furnished by the Superintending Surgeon with a descriptive roll, in the subjoined form, which he is to present to the Principal of the College, and which will be his warrant for admission as a Student :—

Descriptive Roll of a Candidate for Examination for a Studentship in the Military Class of the Medical College. *(Here insert station and date.)*

Name.	Age.	Caste.	Father's Name.	City, Town or Village.	District or Pergunnah	Character from Testimonials.	Hindoostanee Qualification.	English Qualification.
		Mussulman or Hindoo.				Good.	Persian or Devanagri. Superior. Good. Fair. As the case may be.	None. Superior. Good. Fair. As the case may be.

G. H. Superintending Surgeon, Division, or Circle.

A. B. Surgeon, President.
C. D. Surgeon, Member.
E. F. Lieutenant, and Intrepreter.

13.—All pupils must, as a condition of their appointment, reside within the College premises at all times, and never be absent from morning and evening muster, without special leave.

14.—All Students of the Military Class who, on leaving the College, after having passed through their studies with credit, shall be certified to possess a competent knowledge of the English language, including Orthography, the meaning of words, writing from dictation, and simple Arithmetic, as far as the Rule of Three, shall, until further notice, be allowed a bonus of Company's Rupees (250) two hundered and fifty.

15.—All Students of the Military Class are amenable to the Articles of War, and regularly enlisted as Soldiers.

CIRCULAR No. 393.—*From* WILLIAM MUIR, *Esquire, Secretary to the Government of the North Western Provinces, to the Commissioners of Divisions.—General Department.—Dated Allahabad, the 4th May* 1858.

I HAVE the honor, by direction of the Right Hon'ble the Governor General, to forward herewith copies of a communication from the Under Secretary to the Government of India, Home Department, dated 22nd ultimo, No. 641, and of its enclosure, and to request that you will supply, with as much fullness and promptitude as possible, the return relative to the collections and disbursements in the year 1857, of sums for the honor or support of the religion, or of the religious institutions of the native inhabitants of India, called for by the Hon'ble the Court of Directors, for submission to the House of Commons.

No. 641.—*From* R. B. CHAPMAN, *Esquire, Under-Secretary to the Government of India, to the Secretary to the Government of the North Western Provinces.—Home Department.—Dated Fort William, the 22nd April* 1858.

I AM directed to transmit the accompanying copy of a Despatch, No. 28 of 1858 dated the 24th February, from the Hon'ble the Court of Directors, together with copy of the order of the House of Commons, dated the 5th idem, therein referred to, and to request that the information called for, relative to the collections and disbursements made by servants of Government in the year 1857, of sums for the honor, or support of the religion or of the religious institutions of the native inhabitants of India, may be furnished with the least practicable delay.

PUBLIC DEPARTMENT.

No. 28 of 1858.

Our Governor General of India in Council.

1*st.*—We forward herewith extract from an order of the Hon'ble the House of Commons, dated the 5th day of February 1858, calling for certain information relative to the collections and disbursements, made by servants of Government in the year 1857, of sums for the honor or support of the religion, or of the religious institutions of the native inhabitants of India.

2*nd.*—As we are not in possession of such particulars as will enable a statement of the kind required to be prepared in this country, we desire that you take immediate measures to cause the necessary information to be supplied to you, and forwarded to us, with as little delay as possible.

We are, &c.,

(Sd.) ROSS D. MANGLES,
" F. CURRIE,
and other Directors.

LONDON:
The 24th February 1858.

HOUSE OF COMMONS.

Veneris, 5th die, Februarii 1858.

(Extract) East India, Hindoo Shrines, &c.,

Ordered, that there be laid before this House, an account of all sums paid to Hindoo, or Mahomedan shrines, or in any way in honor or support of the religion, or of religious institutions of the native inhabitants of India, which were collected or disbursed by the Agency of the East India Company's Servants, during the year 1857.

No. 456.—*Notification.—General Department, North Western Provinces.—Dated Allahabad, the 19th May* 1858.

WITH the sanction of the Right Hon'ble the Governor General, the following Rules are published for the information and guidance of the European Officers, employed in the Educational Department, North Western Provinces, who have received their education in Europe.

I.—All Europeans having received their education in Europe, who may, from and after this date, be appointed to any situation in the Educational Department, in the North Western Provinces, either as Inspector or Deputy Inspector of Schools, or as Principal or Professor in a Government College, or as Master in a Government School; as well as all persons of this class now holding such appointments, who, on being appointed to the Department, were warned that they would be required to pass an examination in the Vernacular language of the North Western Provinces, shall be required to pass that examination within two years from the date of such appointment, subject to the proviso, that persons, now in the Department, who have not yet passed the prescribed examination, shall be allowed a period of one year from the promulgation of these rules, irrespectively of the time that may have already elapsed since their appointment.

II.—The test of qualification shall be as follows:—

1*st.*—Ability to translate into English, passages selected from the Vernacular, (Hindee and Oordoo) works, read in the Tehseelee Schools, and to answer questions of moderate difficulty on points of Idiom and Grammar.

2nd.—Ability to translate from English into the Vernacular, (Hindee and Oordoo) a moderately easy passage from a standard English author, in a simple narrative style.

3rd.—Ability to converse intelligibly, with a native unacquainted with English, on a subject of ordinary difficulty.

4th.—Ability to give a lesson to a class of native pupils, in the first four rules of Arithmetic, and the Elements of Geography and History, such lesson being conducted entirely through the medium of the Vernacular.

III.—All European Officers, in the Educational Department, to whom the foregoing rules apply, shall be required to pass the foregoing test within the period specified; and in default of passing shall be subjected to such reduction of salary, until they shall pass, as the Hon'ble the Lieutenant Governor, North Western Provinces, may see fit to order.

IV.—In no case shall any Officer, who may fail to pass according to the prescribed standard, within the period laid down, be promoted to any office of superior emolument, until he shall have passed, or if the exigencies of the public service render it necessary that he be appointed to such an office, he shall only draw so much of the salary attached to it as may be equal to that of the office previously held by him.

V.—With the view of encouraging superior attainments in the Vernacular languages, on the part of the European Officers employed in the Educational Department, who have received their education in Europe, the Right Hon'ble the Governor General sanctions a scale of pecuniary rewards for the attainment of a certificate of high proficiency in the principal Vernacular language of the district in which the Officer is employed.

VI.—The test for a certificate of high proficiency shall be as follows:—

1st.—Ability to translate into English, passages selected from the Vernacular works, read in the Tehseelee Schools, and to answer questions on points of Idiom and Grammar.

2nd.—Ability to translate from English into the Vernacular, (Hindee and Oordoo) with neatness of expression and correctness of spelling, Idiom and Grammar, a passage selected from an English prose work of moderate difficulty.

3rd.—Ability to converse with readiness, fluency and grammatical correctness, with a native unacquainted with English, on a subject connected with education.

4th.—Ability to give a lesson to a class of native students in the more advanced rules of Arithmetic, in Algebra and Geometry, and in Grammar, Geography and History; such lesson being conducted entirely through the medium of the Vernacular.

VII.—Every European Officer, educated in Europe, who may pass according to the foregoing standard, shall receive a certificate of high proficiency, and a pecuniary reward proportioned as follows: to his position in the Service, and the amount of salary received by him at the time of passing. If the monthly salary of the passed candidate do not exceed Rs. 250 per mensem, the reward shall be Rs. 500. If the monthly salary be more than Rs. 250, but do not exceed Rs. 500, the reward shall be Rs. 750. If the monthly salary exceed Rs. 500, the reward shall be Rs. 1,000.

No. 918.—*Notification.—General Department, North Western Provinces.—Dated Allahabad, the 14th July* 1858.

The following Rules for grants in-aid, have been approved by the Right Hon'ble the Governor General, and are published for general information:—

RULES.

I.—Every School in which sound secular instruction is imparted, whether in English, or the Vernacular, is eligible to receive a grant, on the fulfilment of certain conditions, (which are hereafter specified) and so far as local requirements and funds will allow, it being provided that the grant shall in no case exceed the sum expended on the school from private sources.

II.—Managers of Schools desirous of assistance from Government, shall send up a written application to Government through the Director of Public Instruction.

III.—Applicants shall satisfy the Government that the following conditions are fulfilled :—

First. That the School is under adequate local management.

Second. That Schooling fees are paid by at least 2-3rds of the pupils,—those exempted from payment being *bonâ fide* indigent; (excepting in cases of Normal and Female Schools, in which no tuition fee need be exacted.)

Third. That sufficient School accommodation is provided, excepting in the case of an application for a building grant.

Fourth. That the expenditure assigned for the maintenance of the School from funds contributed by private persons or associations, is not below the average amount expended for that purpose during the three past years.

Fifth. That the maintenance of the School is assured by a statement, on the part of those charged with its management, that it is their full and sincere belief and expectation that the School shall be so kept up for a further period of at least three years.

Sixth. That the amount of the grant, for which the application is made, does not exceed the expenditure of the School, defrayed by contributions from private persons and bodies.

Seventh. That the grant shall be devoted to one or more special objects; and that in the event of its being devoted to more than one object, the amount of aid solicited towards the furtherance of each be distinctly mentioned.

Eighth. That the School shall be open to inspection and examination on the part of the Educational Officers of Government, such inspection and examination having reference only to secular instruction.

IV.—The special objects, for the fulfilment of which Government will, as far as local requirements and disposable funds may allow, lend their ready aid, are the following :—

(a)—Augmentation of the salary of a Teacher or Teachers.

(*b*)—Payment of the salary or salaries of an additional Teacher or Teachers.

(*c*)—Foundation of Scholarships and Pupil Teachership.

(*d*)—Donation of School books, maps, and apparatus.

(*e*)—Supply, at half price, of School books issued under the authority of Government.

(f)—Erection or enlargement or repair of School houses.

V.—The application must be accompanied by a tabular statement, embodying full and distinct information on the following points :—

a—(Col. 1.) The pecuniary resources, permanent and temporary, on which the School depends for support.

b—(Col. 2.) The average annual expenditure in the School from the last three years.

c, d, e—(Cols. 3, 4, 5.) The average number, age and attendance at School of the boys therein instructed.

f—(Col. 6.) The persons responsible for the management and permanence of the School.

g—(Col. 7.) The time for which the above will continue to be responsible.

h—(Col. 8.) The nature and course of instruction imparted.

i—(Col. 9.) The number, names and salaries of the Masters and Mistresses, and subjects taught by each.

k—(Col. 10.) The books in use in the several classes of the School, and number of boys in the same.

l—(Col. 11.) The nature and amount of aid sought, and the purpose (see para. IV.) to which it is to be applied.

VI.—Where an application is made for a building grant (whether for the erection, or enlargement, or repair of a School-house) the Managers of the School shall satisfy Govern-

ment that the School-house will be erected, or is situated in a healthy and favorable locality. A plan of the building and estimate of the cost must be submitted.

VII.—The management of the School shall be vested solely in the private persons, or bodies by whom it is supported. The Teachers, whose salaries are paid in part, or wholly by Government, shall be entirely subordinate to the Managers, or Conductors of the School, and shall in no way be regarded as Government servants.

VIII.—The Government will not in any manner interfere with the actual management of the School, but will seek upon the frequent reports of its Inspectors, to judge from results, whether a good secular education is practically imparted or not; and it will withdraw its aid from any School, which may be, for any considerable period, unfavorably reported upon, in this respect.

IX.—The Government will always endeavour so to give its aid, that the effect shall not be the substitution of public for private expenditure, but the increase and improvement of education.

X.—It is to be distinctly understood, that grants-in-aid will be awarded only in the principle of perfect religious neutrality, and that no preference will be given to any School, on the ground that any particular religious doctrines are taught, or not taught therein.

No. 1027.—*Notification.—General Department, North Western Provinces.—Dated Allahabad, the 24th July* 1858.

THE following Notification, issued by the Right Hon'ble the Governor General of India, in the Home Department, under date the 19th instant, No. 297, is re-published for general information:—

No. 297.

Dated Allahabad, the 19th July 1858.

With reference to the Notification, No. 122, dated the 11th May last, the Governor General is pleased to modify the Rule laid down therein, by permitting the grant of "Privilege Leave," in special cases, at the discretion of the local Government.

The restriction in respect of Furloughs and the grant of leave on Private Affairs, under Section XIV. of the Covenanted Civil Absentee Rules, will be maintained until further orders.

No. 1229.—*From* R. B. CHAPMAN, *Esquire, Under-Secretary to the Government of India, to the Secretary to the Government of the North Western Provinces, Home Department. Dated the 8th August* 1858.

I AM directed to transmit, for your information and guidance, the accompanying extract (para. 38) from a Despatch No. 86 of 1858, dated the 22nd of June, from the Hon'ble the Court of Directors, desiring that no increase of expenditure in any part of India, in connection with Education shall, on any account, be sanctioned, without their authority having been previously obtained.

Extract from a Despatch from the Hon'ble the Court of Directors (Public), No. 86 of 1858, dated the 22nd June 1858.

Para. 38.—We desire that you will bear in mind the great financial difficulties to which we are now exposed, and that you will not, on any account, sanction any increase of expenditure in any part of India, in connection with Education, without our authority previously obtained.

No. 1340.—*Notification.—General Department.—North Western Provinces. Dated Allahabad, the 4th September* 1858.

THE following Notification, issued by the Hon'ble the President of the Council of India in Council, in the Home Department, under date the 27th ultimo, No. 1948, is republished for general information :—

No. 1948.

The 27th August 1858.

Extract from the Proceedings of the Hon'ble the President of the Council of India in Council, in the Home Department, (Ecclesiastical,) under date the 27th August 1858.

Read a letter from the Officiating Secretary to the Government of India, with the Governor General, in the Public Works Department, No. 480, dated the 22nd ultimo.

RESOLUTION.—A question having arisen regarding the occupation of the Vestry-rooms of a Church, as a place of residence by the Chaplain, the President in Council concurs in opinion with the Right Honorable the Governor General, that it is very undesirable to permit such a use of rooms, which are a component part of the Church building, and is pleased accordingly to determine, that the Vestry-rooms of a Church shall not be occupied as a residence by a Chaplain, even as a temporary arrangement, except under very special circumstances, and with the express permission of the local Government previously obtained, on a representation of such special circumstances through the Lord Bishop of the Diocese, or, in his absence, through the Archdeacon, who will be expected, in forwarding such representations, to favor the Government in each case with his opinion, as to the propriety or otherwise of complying with the application, and as to the period for which the indulgence should be granted.

Ordered, that a copy of the foregoing Resolution be communicated to the several local Governments,* to the Foreign and Military Departments, and to the Public Works Department, at the Presidency and with the Governor General, and to the Venerable the Archdeacon.

* Madras.
Bombay.
Bengal.
North Western Provinces
Straits' Settlements.

Ordered further, that a copy of the Resolution be published in the *Calcutta Gazette*, for general information.

No. 1161.—*Notification.—General Department, North Western Provinces. Dated Allahabad, the 14th December* 1858.

THE Notification No. 4011, issued by the Hon'ble the President in Council, in the Foreign Department, under date the 3rd instant, is republished for general information :—

No. 4011.

Fort William, 3rd December 1858.

"In the year 1855, a Public Officer, serving under the Government of Bengal, with the cognizance of his immediate official superior, sold a house to a native gentleman, living within his jurisdiction, for 900 Rupees. There was not the remotest reason to suppose that the sale was, in any respect, otherwise than a fair transaction, but the matter having, in due course, been reported to the Honorable Court of Directors, the Court were pleased, in a Despatch, dated the 4th March last, to desire that sales of this description between public servants in India and Natives within their jurisdiction or beyond, should be strictly prohibited. The President in Council is assured that pecuniary transactions of an objectionable nature between Public Servants and Natives of India seldom, if ever, now occur, and has the fullest reliance on the honor of the Queen's Servants in all Departments; but transactions of the nature alluded to, though in themselves entirely fair, and perfectly free on both sides from all unworthy motives, are liable to misconstruction, and when misconstrued are no less mischievous in their effect than corrupt dealings. In conformity, therefore, with the instructions of the Honorable Court, all such sales are prohibited. Should a Public Officer be doubtful whether a transaction to which he desires to become a party comes within this prohibition, he will consult his superior Officer, and be guided by the instructions he may receive. A controlling Officer consulted on such an occasion will dispose of the case himself, or refer it for the orders of Government, as he may consider proper."

FINANCIAL DEPARTMENT.

No. 14.—*Notification.—Financial Department.—North Western Provinces. Dated Agra, the 5th January* 1858.

THE following Resolution, this day recorded by the Chief Commissioner, North Western Provinces, is published for general information :—

Read a Memorandum by the Financial Commissioner, dated 4th January, on the subject of Bill transactions.

RESOLUTION.

The Chief Commissioner of the North Western Provinces is pleased to resolve, that until further orders, a premium of 2 per cent. shall be demanded on Drafts drawn upon the Treasuries of the Delhie Division, and of the Districts under the Chief Commissioner of the Punjab, from the Treasuries in the Agra and Meerut Divisions.

Officers in charge of Treasuries in the Divisions last mentioned, are required to submit monthly to the office of the Financial Commissioner at Agra, a Memorandum of the amount of Drafts granted by them on the Treasuries of the Delhie Division, and Districts under the Chief Commissioner of the Punjab.

These Rules are not applicable to remittances of pensions of salary or allowances by Officers in the Military branch of the service. Drafts for which will be granted at par, and no detail of which is necessary.

No. 290.—*Notification.—Financial Department.—North Western Provinces. Dated Agra the 27th January* 1858.

WITH reference to Notification, in the Financial Department, No. 2322, of the 26th July 1856, the following amended form of Guarantee, required from the Civil Servants, about to retire from the service, or to leave the country on Furlough, against whom there may be claims in the Public Books, prescribed by the Government of India, in Orders, dated 27th November last, No. 1934, is published for general information.

FORM OF GUARANTEE.

In consideration of Mr. of the Civil Service, being allowed to resign the service of the East India Company, (or being permitted to go to Europe on Furlough,) before obtaining from the Office of Audit and Account a certificate of No Demands, I (or we) do hereby Guarantee the payment of any claim that may exist on the part of Government against the said Mr. to the extent of Rupees

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No. 347.—*Notification.—Financial Department.—North Western Provinces. Dated Agra Fort, the 2nd February* 1858.

THE following extract from the proceedings of the Right Hon'ble the Governor General of India in Council, in the Financial Department, under date the 29th October, 1857, No. 4692, published in the *Calcutta Gazette* of the 28th November last, is republished for general information :—

No. 4692.

Extract from the Proceedings of the Right Honb'le the Governor General of India in Council, in the Financial Department, under date the 29th October 1857.

Read an Endorsement, No. 2026, dated the 3rd instant, from the Home Department, forwarding for consideration and orders, a letter No. 2363, dated the 17th ultimo, from the Secretary to the Government of Bombay, requesting to be informed of the terms on which Privilege Leave may be taken by Medical Officers, employed as Civil Assistant Surgeons, or in other Civil duties.

Read a Report from the Civil Auditor, Fort William, No. 2087, dated the 8th instant, on the above subject.

RESOLUTION.

The Government of Bombay enquires as to the terms on which Privilege Leave may be taken by Medical Officers, employed as Civil Assistant Surgeons, or in other Civil duties.

On this enquiry, the Right Hon'ble the Governor General in Council remarks, that as Military Officers in Civil employ are on the same footing in respect to leave of absence as Military Officers, performing Military duties, and as Medical Officers in Civil employ have already been placed on the same footing as Military Officers in Civil employ, there can be no reason why they should not be allowed to remain on the same footing in respect to *Privilege* Leave. His Lordship in Council is accordingly pleased to decide that the indulgence granted to Military Officers, under a General Order, issued from the Military Department, No. 466, dated 27th March 1857, of a temporary leave, without pecuniary loss for sixty days consecutively in the course of each year, or thirty days consecutively in each half year, may be extended to Medical Officers in Civil employ, when no inconvenience or extra expense is entailed on the Government.

ORDER.

Ordered, that a copy of the foregoing Resolution be sent to the Home Department, for communication to the Government of Bombay, and that the original paper received therefrom, be returned, a copy being kept for record in this Department.

Ordered further, that a transcript of the above Resolution be sent to the Departments,* the Governments,† and the Officers‡ noted in the margin, for their respective information and guidance.

* Foreign Department.
Military „
Public Works „
† Bengal Government.
Fort St. George „
Central Provinces „
Straits' Settlement „
‡ Chief Commissioner, N. W. Provinces
Ditto, Punjab.
Civil Auditor, Fort William.

No. 454.—*Notification.—Financial Department.—North Western Provinces. Dated Agra, the 3rd February* 1858.

The following extract (para. 10) from a Despatch in the Financial Department, No. 67, dated 16th September, from the Hon'ble the Court of Directors, published in the *Calcutta Gazette* of the 19th December last is re-published for general information :—

"*Para.* 10. The object contemplated in granting a furlough on private affairs, with an allowance after stated periods of service, was to enable our Civil Servants to re-visit their native country. At the same time we cannot see any good reason for placing a limitation in the places to which Civil Servants may proceed on their furloughs. If therefore, a Civil Servant prefers taking his furlough, in India, we shall not object to his doing so. A disposition on the part of our Officers, Civil or Military, to pass the leisure of their furloughs, and to spend the savings of their salaries in India, is, we consider, unquestionably beneficial to the country and to the people.

"Letter from ——, in Public Department, dated 14th February 1857, *No.* 14.

Mr. ——, of the Civil Service, having requested that his furlough might commence from the 1st November 1856, the date on which it was assigned to him, instead of from the date of his departure from India, was informed that his request was inadmissible. The question whether a Civil Servant can take his furlough in India is submitted for the Court's decision."

No. 374.—*Notification.—Financial Department.—North Western Provinces. Dated Agra, the 5th February* 1858.

THE following Notifications, issued by the Government of India, in the Financial Department, under date 27th ultimo and 8th instant, Nos. 50 and 51, are re-published for general information:—

No. 50.—*Fort William,—Financial Department.—Dated the 27th December,* 1857.

The following extract from a despach from the Hon'ble the Court of Directors, No. 70 of 1857, dated the 6th October, is published for general information:—

PARA. 37.—We shall allow the gratuities which, under the New Rules, may in future be granted at the discretion of Government, in cases for which the Pension Rules do not provide, to be calculated on the salaries received by Uncovenanted Servants at the date of their discharge, instead of on an average of their salaries for the last five years of their service.

Letter from——, dated 13th March 1857, No. 35.

Report of the proceedings of the Government of India, in the Financial Department, for the 3rd Quarter of 1856.

177 & 178.—The Government of Fort St. George have been informed, in reply to an enquiry that there are no Rules for the grant of gratuities to Uncovenanted Servants, who have no claim to pension; but that in cases where gratuities have been granted, they have been calculated on the amount of salary at the period of discharge.

No. 1.—*Dated the 8th January* 1858.

READ an Endorsement from the Home Department, No. 2630, dated the 16th ultimo, forwarding, for consideration and orders, a letter, No. 1668, dated the 25th November last, from the Chief Secretary to the Government of Fort St. George, with its enclosure, referring for decision certain points connected with Privilege Leave to Uncovenanted Civil Servants.

RESOLUTION.

With reference to that part of the Financial Notification, dated the 27th June last, No. 25, which provides for the *cumulation* of Privilege Leave to Uncovenanted Civil Servants, the Government of Madras submits an enquiry from the Civil Auditor, whether the *cumulation* is to have retrospective effect so as to admit of the period a party may have been uninterruptedly at his duties *prior* to the promulgation of the Uncovenanted Service Absentee Rules, to reckon as part of the period necessary to qualify him for obtaining cumulative leave, and if so, the date from which such effect is to be given.

Referring to this enquiry, the Right Hon'ble the Governor General in Council is pleased to decide that if heads of Offices certify that parties applying for accumulated Privilege Leave, have served the requisite period uninterruptedly, there is no objection to applying to the Uncovenanted Service the Rule which was passed in respect to the Covenanted Civil Service, and approved by the Hon'ble Court, viz., that service before as well as after the introduction of the New Rules is admissible in qualifying a servant for one, two or three months' privilege leave.

ORDER.—Ordered, that a copy of the above resolution be sent to the Home Department for communication to the Government of Fort St. George.

Ordered further, that a copy of the Resolution be sent to the Departments,* the Governments† and the Officers,‡ noted in the margin, for information and guidance.

Ordered also, that a copy of the Resolution be published in the Official *Gazette*, for general information.

* Foreign, Military, and Public Works.
† Bengal Government.
Bombay ditto.
Central Provinces, do.
Straits' Settlements, do.
‡ Chief Commissioner, N. W. P.
Ditto Punjab.
Civil Auditor, Fort William

No. 135.—*Notification.—Financial Department.—North Western Provinces. Dated Allahabad, the 8th instant.*

THE following Resolution of Government, in the Financial Department, is published in General Orders:—

RESOLUTION.

The Hon'ble the Court of Directors having decided, in the case of Captain W. E. Hay, a retired Military Officer, subsequently appointed Assistant Commissioner at Kulu in the Punjab, that the Rule under which Civil Pension is merged in the salary of Office, should apply to the case of Military Officers drawing Pensions for Military Service, and that upon this principle Captain Hay should be allowed the authorized salary of his appointment minus the amount of his Pension, the Chief Commissioner in the Punjaub enquires whether this decision is applicable to Military Pensioners of the grade of Non-Commissioned Officers and Privates, who may be employed in the Uncovenanted Service as Clerks.

The Right Hon'ble the Governor General in Council observes, that in Bengal measures have been taken to regulate the allowances of Military Pensioners of every grade, who have been re-employed in the Civil Department, according to the above orders of the Hon'ble Court, which must be the guide for the future.

No. 206.—*Notification.—Financial Department.—North Western Provinces. Dated Allahabad, the 9th March* 1858.

THE following Notification by the Right Hon'ble the Governor General is republished:—

No. 134 of 1858.—RESOLUTION.—On the 21st August 1856, Mr. T. Login, Executive Officer, Bassein River, obtained, under Section VII.,* Clause 3, of the Uncovenanted Service Absentee Rules, leave of absence to Europe for a period of six months. He was subsequently allowed by the Hon'ble Court, as a special case, nine months' leave of absence, without pay, in addition to the six months already taken, thereby extending to fifteen months, the whole period of his authorized absence from India; and which period, the Hon'ble Court directed, was to be regarded as if authorized under Section VIII.† of the above Rules.

* Now altered to Section VIII.

† Now altered to Section IX.

Mr. Login having returned from England on the 31st October last, the Officiating Chief Engineer, Lower Provinces, solicits orders regarding the salary to be passed to him.

from that date up to the 28th November last, the date of his arrival at Purneah, the Head-quarters of the Division (Darjeeling road), to which he is now attached.

The Officiating Secretary in the Public Works Department suggests the expediency of laying down general rules (if such rules do not already exist) to meet the cases of Uncovenanted Officers who, like Mr. Login, may not join appointments immediately on return from furlough.

Referring to this suggestion, His Lordship in Council remarks that leave may be granted to Uncovenanted Servants, preparatory to furlough, on private affairs, or for return to station after the expiration of furlough, only on the terms of Section VIII.* of the Uncovenanted Civil Service Absentee Rules, for the period specified in the Financial Notification of 14th October 1857, viz., four, six or eight weeks, according as the distance to be travelled, shall not exceed 300 or 600 miles, without forfeiture of appointment, but without pay; the period of absence not counting as service towards pension.

* Now altered to Section IX.

If the furlough, however, be enjoyed in India, no preparatory leave is to be granted: the furlough being reckoned from the date of the absentee's quitting his post to the date of his return thereto.

ORDER.—Ordered, that a copy of the foregoing Resolution be sent to the Public Works Department, with a request that, Mr. Login's case be treated under the Rule above laid down.

No. 683.—*Notification.—Financial Department.—North Western Provinces. Dated Allahabad, the 25th March* 1858.

THE following Notification, issued by the Government of India, in the Financial Department, under date the 19th instant, No. 12, is re-published for general information:—

RESOLUTION.

"The Hon'ble the President in Council observes that, on the 12th June last, it was ruled by this Government, that casual leave for a few days may, in cases of sickness, be granted to Uncovenanted Civil Servants by the heads of Offices at their discretion, without loss of salary, and without such leave being taken into account as part of the two years allowed by Clause 1. of Section V. of the Uncovenanted Service Absentee Rules.

"Referring to this decision, the Government of Bombay now enquires, whether any, and if so, what limit has been fixed by this Government for the casual leave alluded to.

"His Honor in Council remarks that no limit has yet been established, but he considers that the total amount of the casual leave should not exceed fifteen days in the course of the year, and he desires that this limit be observed in future."

No. 1026.—*Notification.—Financial Department.—North Western Provinces. Dated Allahabad, the 10th April* 1858.

THE following Notifications, issued by the Government of India, in the Financial Department, under date the 26th ultimo, Nos. 13 and 14, are published for general information:—

FORT WILLIAM.—26th March 1858.—No. 13.—The following extract from the Resolution passed by the Right Hon'ble the Governor General in Council, No. 5126, dated the 4th December 1857, is published for general information:—

Para. 1.—The Right Hon'ble the Governor General in Council remarks, that the Hon'ble Court, in their despatch of the 17th June 1856, called the attention of this

Government to various important questions connected with the comparative condition of the Indian Finances, past and prospective, the causes of a continued increase of charge, the most suitable means of reducing the expenditure within the income, and the importance of adopting measures for reframing the Offices of Account at the Subordinate Presidencies, in order that a succession of Officers, conversant with the business of Accounts, to the higher posts in the department, might be secured, and appointments to vacancies regulated accordingly.

2. This Government, in communicating to the Hon'ble Court the result of its deliberations, on the several points adverted to, recommended that, if the attempt that was then being made to introduce the Bengal system of Account at the other Presidencies should be successful, the Offices of Account (including the Offices of Sub-Treasurer and Civil Auditor) at all the Presidencies, be formed into a separate department, under the Government of India, to which all nominations shall be made by the Governor General in Council, and in which an interchange of the Officers of the several Governments shall be permitted, whenever occasion may require, it being observed that the Officers of the department under such a system would obtain fair promotion in the department, and that it would be more likely than any other to ensure a general uniformity in the Accounts.

8. The plan has been approved of by the Hon'ble Court, and as the system of Accounts at all the Presidencies, has already been ordered to be assimilated, it is to be considered in what manner the changes, now sanctioned, may best be carried out.

9. The object in view being to secure at all times a succession to the higher Offices of Account (including Treasury Account and Audit) of persons especially trained for the duties, and thoroughly conversant with this branch of public business, who shall be qualified to be drafted as occasion may require to the several Presidencies, the Governor General in Council is of opinion, that it is necessary that the prospect of remuneration should be somewhat better than in the general line of the service, and that the salaries should be so graduated as to give a fair average of promotion, so as to ensure, as far as possible, that those entering the department should continue in it.

10. His Lordship in Council is also of opinion, that it is necessary that it should be distinctly understood, that Covenanted Officers who may enter the Department in future, will, as a rule, be expected to remain in it during their whole service; and that it should be ascertained by the Local Governments, in giving effect to these orders, whether the Officers now in the department are willing to remain in it, and that if any Officer should not be willing to remain in it, the name of such Officer should be reported for the information of the Governor General in Council.

11. The qualifications specially needed in the Officers composing a General Department of Account and Finance in India, in addition to the ordinary acquirements of proficiency in Book-keeping and the science of Account, are the knowledge of Political Economy in its application to this country, and a practical acquaintance with the habits of the people, and the working of the Revenue systems of the country.

12. Looking upon Mofussil experience and early contact with the people as an essential qualification, under ordinary circumstances, for the successful management of public business in this country, His Lordship in Council resolves, that no Officer shall be permitted to enter the General Department of Account under five years' standing. when a young Officer may be expected to have gained sufficient experience for the purposes of th edepartment, especially if he has employed his time with the intention of entering it.

13. Junior Civil Servants will be allowed to register their applications for employment in the General Department of Account, after the abovementioned period of service, as vacancies occur, when the applicants will be subjected to an examination in Book-keeping, the working of the Revenue system of the Presidency to which they be long, and the management of District Treasuries; and the examination papers, together with reports from the local Governments, on the general aptitude for business of the several candidates, will be forwarded for the consideration of the Governor General in Council, on the understanding that the Officer, who appears best qualified for the duties of the

department, will, as a rule, be selected, but that in cases of equality, regard will be had to the number of Officers previously taken into the department from the several Presidencies.

14. When once the department has been entered, the Officers will be expected to remain in it throughout their service. They will be transferred from Presidency to Presidency at intervals of not less than two years, the convenience of parties being consulted as much as possible, but changes will be so regulated that Officers may acquire experience successively of all parts of the country before arriving at the higher grades.

15. Promotions will be regulated with due regard to seniority and merit, mere seniority not being in any case held to give a title to promotion.

16. As difficulty may arise in connection with the provision of furloughs and absence on medical certificate, His Lordship in Council thinks the difficulty can best be met by temporary promotions and the admission of young men on probation to succeed to permanent appointments on the occasion of regular vacancies.

17. His Lordship in Council considers that appointments of Accountant and Civil Auditor in the Punjaub, at present held by Uncovenanted Officers, ought to be placed on a higher footing, and that, as a general rule, they should be held by Covenanted Officers. He thinks that they are of sufficient importance to require such a change, and that the measure can be effected not only without additional expense, but with a saving to Government, and without detriment to the interests of the department, if the following scale of salaries, graduted with reference to the responsibilities of the several appointments, is adopted; incumbents being allowed to retain the salaries now drawn by them so long as they remain in their present appointments :—

	Present Salaries.	*Proposed. Salaries.*	
	Rs.	Rs.	
Accountant General to the Government of India, ...	3,500	3,500	
Accountant ditto to the Government of Bombay, ...	3,333	3,000	
Accountant ditto to the Government of Madras, ...	3,000	3,000	
Sub-Treasurer, Fort William, ...	3,000	3,000	
Accountant to the Government of the North Western Provinces,	3,000	2,500	
Accountant to the Government of Bengal, ...	3,000	2,500	
Civil Auditor for India and Bengal, ..	2,500	2,500	
Sub-Treasurer at Madras, ...	2,000	2,000	
Sub-Treasurer at Bombay, ..	2,500	2,000	
Civil Auditor at Madras draws a consolidated Salary of 26,000 Rs. per annum as Civil Auditor and Superintendent of Stamps, ...	2,500	2,000	
Civil Auditor at Bombay, ...	2,166	2,000	
Accountant in the Punjab (Uncovenanted), ...	2,000	2,000	
Civil Auditor in the North Western Provinces, ...	700	1,500	Covenanted.
1st Assistant Accountant General to the Government of India,	1,500	1,500	
Civil Auditor in the Punjab (Uncovenanted). ...	1,500	1,500	
1st Assistant Accountant General at Madras, ...	700	1,200	
1st Assistant Accountant General at Bombay, ..	1,250	1,200	Ditto.
2nd Assistant Accountant General to the Government of India,	1,250	1,200	
2nd Assistant Accountant General, Bombay (Covenanted), ...	1,000	1,000	
2nd Assistant Accountant General, Madras (ditto), ...	850	800	Uncovenanted.
3rd Assistant Accountant General to the Government of India (Uncovenanted), ...	850	800	ditto.
Assistant Sub-Treasurer, Fort William, (Uncovenanted), ...	800	800	ditto.
Assistant Civil Auditor, Fort William, (ditto), ...	700	700	ditto.
Assistant Civil Auditor, Bombay, (ditto), ...	700	700	ditto.
3rd Assistant Accountant General, Madras, ...	700	abolished	
Assistant to Accountant, North Western Provinces, ...	700	ditto.	
	200	ditto.	
Total, ...	43,399	40,900	
Deduct proposed, ...	40,900		
Saving per mensem, ...	2,499		

18.—His Lordship in Council has attached the largest salary to the appointment of Accountant General to the Government of India, because it is by far the most important of the whole. The business in it is heavier and more complex than in any other. The Accountant General has the supervision of all Loan transactions; he has a larger number of Treasuries, and a greater mass of Military Accounts than either of the other Accountants General, and he has, in addition, considerably heavier responsibilities as a Member of the Calcutta Mint Committee, and a Director of the Bank of Bengal.

19.—On somewhat similar grounds His Lordship in Council has assigned a higher scale of pay to the Accountants General at Madras and Bombay than to the Accountants of Bengal and the N. W. Provinces, who have less to do with Loan transactions than the Accountants General at Madras and Bombay, and have no concern with Military Accounts, or with Mint and Bank arrangements.

20.—For the Sub-Treasurer at Calcutta His Lordship in Council has fixed Rs. 3,000 a month, with reference to the enormous amount of his receipts and disbursements, and the heavy pecuniary responsibilities that are in consequence thrown upon him.

21.—For the rest he believes that the salaries proposed are in fair proportion to the work and responsibilities of the several appointments; but on this point His Lordship in Council will be able to form a better opinion after reference to Mr. Ricketts, which enquiries into the work of the department must by this time have been completed, and from whom an opinion will be obtained as to the salaries to be allotted to the several appointments, with reference specially to the objects the Hon'ble Court have in view in sanctioning the formation of a General Department of Account, and the impossibility of securing the services of fitting men, unless some more than ordinary inducement to enter the department is held out to them in the way of salary.

22.—His Lordship in Council does not consider it desirable that the salary of any appointment, in the General Department of Account, to be held by a Covenanted Officer, should be less than Rupees 1,000 a month, because the services of a qualified Civilian cannot be expected to be secured for less, and because he believes that the duties of the 2nd Assistants to the Accountants General at Madras and Bombay may very well be entrusted to Uncovenanted Servants. It is important that the 2nd Assistant to the Accountant General to the Government of India should be a Covenanted Officer, in order to give such an Officer, entering the department, a knowledge of the system under which the Loan transactions of the Government are conducted.

23.—His Lordship in Council desires that the transfer of the Uncovenanted Officers in the General Department of Account, from one Presidency to another, be regulated on the same sort of principle as is above provided for Covenanted Officers.

No. 14.

The following Extract from a Resolution, passed by the Hon'ble the President in Council, No. 1681, dated the 26th March 1858, is published for general information:—

Para. 5.—In regard to the manner in which applications from Junior Civil Servants for employment in the General Department of Accounts, shall be made, His Honor in Council directs that such applications be made to the local Governments, and that the local Governments, until rules are issued in respect to the competitive examination, shall, in forwarding the applications to this Government, be required to state the appointments that have been held by the applicants, and the manner in which their duties have been performed.

No. 1370.—*Notification.—Financial Department, North Western Provinces. Dated Allahabad, the 5th May* 1858.

The Hon'ble the Court of Directors having desired the Government of India to investigate the nature and extent of loss of property occasioned by the late mutiny and disturbances, at the same time reserving the decision as to whether compensation for such loss shall be given or not, the Right Hon'ble the Governor General is pleased to issue the following instructions to be observed throughout the North Western Provinces.

2nd. Mr. C. Grant, Accountant, North Western Provinces, is appointed Commissioner, and Mr. E. H. Longden, Deputy Commissioner, for the reception of claims for compensation.

3rd. All claims for compensation will be addressed to Mr. Longden.

4th. A limit of three months is fixed, within which claims must be submitted.

5th. Where the claim exceeds fifty thousand Rupees, it will be sufficient to file an application with a general estimate of loss before the 15th August, after which a further term of three months will be allowed for the submission of detailed schedules.

6th. In all other cases, the detailed schedules of loss must be submitted before the 15*th* of August.

7th. Three months' grace will be allowed to proprietors residing out of India.

8th. With the schedules, applicants will be expected to submit vouchers, or to describe clearly the evidence on which the claim rests.

9th. Applications will be received, subject to the same rules, from natives of the country for compensation, on account of loss of property caused by their known loyalty and attachment to the British Government.

No. 1886.—*Notification.—Financial Department.—North Western Provinces.*
Dated Allahabad 22nd May 1859.

THE following EXTRACT from a Despatch from the Hon'ble the Court of Directors is published for general information :—

No. 2464.

EXTRACT from a despatch from the Hon'ble the Court of Directors, addressed to the Government of India, in the Financial Department, No. 10 of 1858, dated the 16th February.

Para. 13.—The privilege of two consecutive months' indulgence leave, originally granted to Military Officers, on Staff employ, in the Peshawur Valley, on account of the distance of the district from the Presidency or any sanitarium, has been extended, for the same reason, to the Trans-Indus Territories; we do not, however, think it advisable, that the privilege should be allowed to any Military Officers in civil employ, who, while holding civil appointments, must abide by the regulations of the Civil Service on this respect.

Letter from ——, dated 8th June 1857, No. 82.
Reports proceedings of the Government of India, in the Financial Department, for the 4th quarter of 1856.
Paras. 111 and 112.—Under the circumstances represented by the Chief Commissioner of the Punjab, have sanctioned the rule by which Military Officers on Staff employ, Trans-Indus, are allowed two months' indulgence leave consecutively, being made applicable to Military Officers in civil employ in the Trans-Indus territories.

Copy of the above para. forwarded to the Government of the North Western Provinces, for publication in the Official Gazette, for information.

No. 1866.—*Notification.—Financial Department—North Western Provinces.*
Dated Allahabad, the 22nd May 1858.

THE following Notification, issued by the Government of India, in the Home Department, under date the 11th instant, No. 122, is re-published for general information :—

Home Department, Allahabad, the 11th May 1858.

No. 122.—It has been brought to the notice of the Right Hon'ble the Governor General, that leave of absence is freely granted to Officers, both Civil and Military, by

the Governments of Madras and Bombay, and that some instances of the same kind have occurred in Bengal, the Punjab, and elsewhere.

It is therefore notified, that the prohibition against the granting of leave of absence, save in cases of certified illness, to Officers of the Government, whether Civil or Military, is in full force, and is to be strictly observed by all subordinate Governments, and by the heads of the local administration under the Foreign Department of the Government of India.

In the Presidencies of Madras and Bombay leave may be given to any place within the Presidency.

No. 1934.—*Notification.— Financial Department.—North Western Provinces. Dated Allahabad, the 26th May* 1858.

THE following General Order, issued by the Hon'ble the President of the Council of India in Council, in the Financial Department, under date the 28th ultimo, No. 25, is re-published for general information:—

No. 25.—*The 28th April* 1858.

The following extract, para. 59, of Financial Despatch from the Hon'ble the Court of Directors, No. 13 of 1858, dated the 3rd March, is published for general information:—

Letter from ——, dated 10th September 1857, No. 125.
Reporting proceedings in this Department, for the 1st quarter of 1857.
Nos. 314 and 315.—The Chief Commissioner of the Punjab has been informed, that personal security, for any retrenchments that may be issued, is considered sufficient to be taken from Uncovenanted Servants, permitted to draw allowances during authorized absence.

Para. 59.—This Rule, for taking security from Uncovenanted Servants, is of course applicable only to the allowances which they may be entitled to receive during any sick leave, taken under the Regulations.

No. 3926.—*Notification.—Financial Department.—North Western Provinces. Dated Allahabad, the 5th August* 1858.

THE following Notification, issued by the Hon'ble the President in Council, under date the 15th ultimo, No. 1673, is re-published for general information:—

No. 1673.— *The 15th July* 1858.

The Hon'ble the President in Council is pleased to direct the publication of the following extract from the proceedings, in the Financial Department, No. 3702, dated the 30th ultimo, for general information:

"Extract from a Resolution passed by the Hon'ble the President of the Council of India in Council, in the Financial Department, under date the 30th June 1858, *No.* 3700 *A.*

"PARA. 4.—In accordance with the proposal contained in the 11th paragraph of the Hon'ble Court's Despatch, noted in the margin, the President in Council is pleased to resolve that, in cases in which an Uncovenanted Officer may have lost his life in the mutinies, and may leave a widow,

"
Paras. 9 to 11.
No. 30 of 1858, dated 21st April.

children, mother or sisters, who were dependant upon him for their support, a gratuity, equal to six months' salary of the deceased, may be granted to the survivors, irrespective of their private means, or of any pension which they may receive from the Uncovenanted Service Family Pension Fund, or from any other Fund, unsupported by the Government. In cases in which the *destitute* families of Uncovenanted Officers have received grants of money under the rules passed by the Government, such grants shall be deducted from the amount now claimable under the above orders.

"ORDER.—Ordered that a copy of the above paragraph be forwarded to the Home Department, for further necessary orders."

No. 4291.—*Notification.—Financial Department.—North Western Provinces.*

Dated Allahabad the 24th August 1858.

THE following extract from the proceedings of the Hon'ble the President of the Council of India in Council, in the Financial Department, under date the 14th July 1858, No. 4232, is republished for general information, regarding the production of Certificates of "No demand," and Security, by Officers proceeding on leave beyond the sea:—

"The Hon'ble the President in Council is of opinion *** that all practical purposes of security will be answered, if the several Governments, before sanctioning applications for leave, are required to have before* them reports from the Officers, noted in the margin,† stating whether, accordance to the information before them, there is reason to require security, as a special case, because of any doubtful items outstanding against the applicant, or because of any thing suspicious or extraordinary in the state of the applicant's accounts. The reporting Officers must not delay their reports, in ordinary cases, by references to local Officers:—it being understood that, with a proper system of despatch, and proper vigilance on their part, they ought, in all ordinary cases, to have the means of judging in their own offices.

* In some cases it may be convenient, if the reports are submitted with the applications; in others, they may best be called for by the Governments on receipt of the applications.

† Regarding applications from Civil Officers, from the Accountants of the Governments under which they serve.
Military Officers in civil employ, from ditto.
Officers of the Public Works Department, from the Chief Engineers of the Division.
Officers of the Commissariat and Stud Departments, from the Auditors of Commissariat and Stud Accounts.
Officers of the Ordnance Department, from the Inspectors General of Ordnance and Magazine.

"On the receipt of these reports, the several Governments will determine the course to be taken.

"The Rule will be applicable to all Officers, Civil or Military, Staff or Regimental in Her Majesty's or in the Honorable Company's Service; and to all applications for leave beyond sea, whether to Europe or elsewhere, and will be held to supersede all existing Rules regarding Certificates of 'No. demands."

No. 5071.—*Notification.—Financial Department.—North Western Provinces.*

Dated Allahabad, the 11th October 1858.

THE following extract from the proceedings of the Hon'ble the President in Council, in the Financial Department, No. 2183, under date the 30th ultimo, is re-published for general information:—

No. 2183.—*The 30th September* 1858.

The following extract from the proceedings of the Hon'ble the President in Council, in the Financial Department, dated the 13th August last, is published for general information:

"The Hon'ble the President in Council, concurring in opinion with the Right Hon'ble the Governor General, has been pleased to rule that Government Servants, on 10 Rupees a month and under, should receive gratuities in about the same proportion as has been provided for persons on salaries in excess* of 10 Rupees and less than 25 Rupees a month, that is, that the gratuities shall be calculated at five months' pay."

* See Clause 3, Section II. of the Rules, dated 13th November 1857, No. 4812 A.

No. 5113—*Notification.—Financial Department.—North Western Provinces.*

Dated Allahabad the 15th October 1858.

The following Extract from a Despatch from the Honorable the Court of Directors addressed to the Government of India, in the Financial Department, No. 51, admitting Potedars to retiring pensions, is republished for general information:—

No. 5337.

Extract from a Despatch from the Honorable the Court of Directors, addressed to the Government of India, in the Financial Department, No. 51 of 1858, dated the 7th July.

Para. 48. As it appears that these Potedars perform in the North Western Provinces the duties of Accountants, which in other parts of India, would qualify for pension, on retirement, we shall not refuse to admit them to the boon to which they would be entitled, if employed under an appropriate designation.

Report proceedings in the Financial Department, for the 2nd quarter of 1857. Para. 276. Forward correspondence relative to the duties performed by Potedars or Podars in the Tehseelee Officers of the N. W. Provinces, with reference to the grant to such Officers of service pensions.

Copy of the above para. forwarded, with reference to the papers, noted in the margin, to the Government of the North Western Provinces, for information.

Letter from Offg. Secy. N. W. P., No. 3138, dated 6th May 1857, with enclosure.

FOREIGN DEPARTMENT.

No. 458.—*Notification.—Foreign Department.—North Western Provinces. Dated Fort Agra, the 3rd February* 1858.

THE following Act, passed by the Legislative Council of India, which received the assent of the Right Hon'ble the Governor General, on the 28th November 1857, No. 32, is re-published for general information:—

Fort William, 17th December 1857. ACT No. XXXII. OF 1857.

An Act to amend the Articles of War for the Native Army.

Preamble.

Whereas it is expedient that, on every conviction of Mutiny or Desertion, the Government or the Court, or other lawful authority, by which the offender shall be convicted, should have power to order the offende. to be marked; it is enacted as follows:—

Government empowered to order Mutineers and Deserters to be marked.

I. It shall be lawful for the Government, by any general or special order, to direct that all or any person or persons, subject to the Articles of War for the Native Army, who have been or shall be convicted of Mutiny or Desertion, shall be marked on the left side, two inches below the arm-pit, with the letter M., in the case of a conviction of Mutiny, and with the letter D., in the case of a conviction of Desertion, either alone or together, with such other mark as the Government may consider necessary for the purpose of identifying the offender at any future time, or of denoting the punishment to which he has been sentenced.

The letter shall not be less than an inch longer; and such letter and other mark shall be made on the skin with some ink, gunpowder, or other preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Court may, as part of the sentence, order Mutineers or Deserters to be marked.

II. It shall also be lawful for the Court, or other lawful authority, by which any person, subject to the Articles of War for the Native Army, may be convicted of Mutiny or Desertion, to order, as part of the sentence on such person, that he be marked with the letter M. or D., as the case may be, which letter shall be made in the manner hereinbefore directed.

Interpretation.

III. The word "Government," as used in this Act, shall mean the Governor General of India in Council, or the Executive Government of the Presidency, within which the offender shall have been tried.

Passed sentences and orders to be deemed valid.

IV. Any sentence or order, by which any person, subject to the Articles of War for the Native Army, may, upon conviction of Mutiny or Desertion, have been ordered to be marked, shall be deemed valid.

No. 375.—*Notification.—Foreign Department.—North Western Provinces. Dated Fort Agra, the 4th February* 1858.

The following paras. of a Military letter, from the Honorable the Court of Directors, to the Government of India, No. 229, dated 25th November 1857, published in the *Calcutta Gazette* of the 13th ultimo, is re-published for general information:—

Fort William, 12th January 1858.

With reference to General Order by Government, No. 1267, of the 9th October 1857, the Right Hon'ble the Governor General of India in Council is pleased to

direct that the following paragraphs of a Military letter, from the Hon'ble the Court of Directors to the Government of India, No. 229, dated 25th November 1857, be published in General Orders:—

14. In our letter of the 22nd August 1857, No. 152, we have directed the admission of the "families of Officers who have been killed in the Mutiny of the Bengal Troops and of the Contingent Forces, or who have died of their wounds within six months after being wounded, or who have manifestly fallen victims to exposure and hardship immediately consequent on any mutinous rising of the Native Troops, to the benefit of the Regulations, granting pensions to the families of Officers killed in action."

Letter, dated 22nd August 1857, No. 227.

Submit for Court's Orders, the case of Lieutenant and Adjutant Baugh, of the 34th Native Infantry, who was wounded in a conflict with Mungul Pandee, a mutinous sepoy of that Regiment, and state that Lieutenant Baugh has, meanwhile, been granted the gratuity of one year's pay, the injury he received having been declared equal to the loss of a limb.

15. Upon the same principle we authorize the admission of Officers, wounded during these mutinous proceedings, to the benefit of the Wound Pension Regulations.

No. 674. B.—*Notification.—Foreign Department.—North Western Provinces. Dated Fort Agra, 12th February* 1858.

OFFICERS awarding compensation, under the Resolution of the Government of India of the 20th November, should require from applicants a declaration to the effect, that no compensation has been applied for, or received by them for losses in any other part of the country.

The sums awardable under the Resolution, above referred to, being the maximum claimable by any individual.

No. 595.—*From* CECIL BEADON, *Esquire, Officiating Secretary to the Government of India, to the Secretary to Government, Central Provinces.—Foreign Department. Dated Fort William, the 8th February* 1858.

I HAVE the honor to acknowledge the receipt of your letter No. 3005, dated the 16th December last, and in reply to state, that the Hon'ble the President in Council entirely approves of the Circular,* issued to the Commissioners of Benares, Allahabad and Saugor, under the orders of the Hon'ble the Lieutenant Governor, pointing out the manner in which the powers given to them and to their subordinate Officers, by Act No. XXXIII. of 1857, (for making further provision relating to Foreigners in India,) are to be exercised.

* Nos. 2967 to 2969, dated 16th December 1857.

No. 124.—*From* E. C. BAYLEY, *Esquire, Officiating Under-Secretary to the Government of the North Western Provinces, to the Commissioners of Meerut, Agra and Rohilkund Divisions. Dated Allahabad, the 23rd March* 1858.

I AM directed to forward to you copy of a Circular, issued by the Secretary to Government, Central Provinces, dated 16th December 1857, No. 48 A, relating to Foreigners, and request you will carry out the instructions therein conveyed.

CIRCULAR No. 48 A.—*From* LIEUT. COLONEL R. STRACHEY, *Secretary to the Government, Central Provinces, to the Commissioner of* .—*Foreign Department.*

Dated Benares, the 16th *December* 1857.

I AM desired by the Lieutenant Governor to furnish you with the subjoined directions, in the manner in which you are to carry out Act XXXIII. of 1857, for making further provision relating to Foreigners in India, which has just become law.

2*nd.*—Under instructions from the Right Hon'ble the Governor General in Council, the Lieutenant Governor is pleased to direct, that the provisions of this Act shall be strictly and uniformly enforced with regard to all European Foreigners, entering into or travelling through these Provinces, without the required license, American Foreigners will also fall within the same category. You will, therefore, keep a careful look out for the entry of all such Foreigners into your Division, and apply the law in every case of their unlicensed entry. You will be careful to act in the spirit of Section 11 of the Act, so as to put Foreigners, whom it may be necessary to stop, pending the result of an application for a license, to as little inconvenience as possible.

3*rd.*—You will further prepare a list of all such Foreigners, now residing within your Division, submitting the same with a confidential report to this Government. You will also warn all Foreigners so residing, of the provisions of this Act, in case of their wishing hereafter to travel in India.

4*th.*—All applications for licences you will forward to Government likewise, with confidential reports.

5*th.*—It is not understood to be the wish of the Government of India to apply the provisions of this Act to Asiatic Foreigners generally, whether belonging to nations, out of India, or Indian subjects, either of independent or dependent States. But it is undoubtedly intended to keep a watch over all suspicious Foreigners of these classes also, and to apply the Act in any special cases where prudence may seem to require the measure. The Act will also enable the Police to prevent the entry of gangs of vagrant Foreigners, such as have in some parts of India occasionally given much trouble.

6*th.*—You will issue, to the District Officers in your Division, orders in accordance with these instructions.

No. 239.—*Notification.—Foreign Department.—North Western Provinces. Dated Allahabad the* 15*th May* 1858.

THE following General Order by His Excellency the Commander-in-Chief, is re-published for the information and guidance of Civil Officers:—

ADJUTANT GENERAL'S OFFICE, CALCUTTA, THE 6TH MARCH 1858.

"Under instructions from Government, the Commander-in-Chief desires, that all papers which may be seized by the Troops on service, shall be carefully preserved, and be made over to the Civil authorities, when no longer required for Military purposes.

No. 991.—*Proclamation.—Foreign Department.—North Western Provinces. Dated Allahabad 1st November* 1858.

The following Proclamation by the Queen, graciously announcing Her Majesty's assumptions of the Government of the British Territories in India, and a Proclamation by the Right Hon'ble the Viceroy and Governor General of India, are published for the information of the people of the North Western Provinces.

The Right Hon'ble the Governor General has received the Commands of Her Majesty the Queen to make known the following gracious Proclamation of Her Majesty, to the Princes, the Chiefs, and the People of India.

Proclamation by the Queen in Council to the Princes, Chiefs, and People of India.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof, in Europe, Asia, Africa, America, and Australasia, Queen Defender of the Faith.

Whereas, for divers weighty reasons, We have resolved, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in Parliament assembled, to take upon Ourselves the Government of the Territories in India, heretofore administered in trust for Us by the Honorable East India Company.

Now, therefore, We do by these presents notify and declare that, by the advice and consent aforesaid, We have taken upon Ourselves the said Government; and We hereby call upon all Our subjects within the said Territories to be faithful, and to bear true allegiance to Us, Our heirs and successors, and to submit themselves to the authority of those whom We may hereafter, from time to time, see fit to appoint to administer the Government of Our said Territories, in Our name and in Our behalf.

And We reposing especial trust and confidence in the loyalty, ability, and judgment of Our right trusty and well beloved Cousin and Councillor, Charles John Viscount Canning, do hereby constitute and appoint him, the said Viscount Canning, to be Our first Viceroy and Governor General in and over Our said Territories, and to administer the Government thereof in Our name, and generally to act in Our name, and, on Our behalf, subject to such Orders and Regulations as he shall, from time to time, receive from Us through one of Our Principal Secretaries of State.

And We do hereby confirm in their several Offices, Civil and Military, all persons now employed in the service of the Honorable East India Company, subject to Our future pleasure, and to such laws and Regulations as may hereafter be enacted.

We hereby announce to the Native Princes of India, that all Treaties and Engagements made with them by or under the authority of the Honorable East India Company are by Us accepted, and will be scrupulously maintained; and we look for the like observance on their part.

We desire no extension of Our present territorial possessions; and while We will permit no aggression upon Our dominions or Our rights to be attempted with impunity, We shall sanction no encroachment on those of others. We shall respect the rights, dignity, and honor of Native Princes as Our own; and We desire that they, as well as Our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good Government.

We hold Ourselves bound to the Natives of Our Indian territories by the same obligations of duty which bind Us to all Our other subjects; and those obligations, by the blessing of Almighty God, We shall faithfully and conscientiously fulfil.

Firmly relying Ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, We disclaim alike the right and the desire to impose Our convictions on any of Our subjects. We declare it to be Our Royal Will and pleasure that none be in any wise favored, none molested or disquieted, by reason of their reli-

gious faith or observances; but that all shall alike enjoy the equal and impartial protection of the law: and We do strictly charge and enjoin all those who may be in authority under Us, that they abstain from all interference with the religious belief or Worship of any of Our subjects, on pain of Our highest displeasure.

And it is Our further will that, so far as may be, Our subjects, of whatever race or creed, be freely and impartially admitted to Offices in Our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.

We know, and respect, the feelings of attachment with which the Natives of India regard the lands inherited by them from their ancestors; and We desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and We will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men, who have deceived their Countrymen by false reports, and led them into open rebellion. Our power has been shewn by the suppression of that rebellion in the field; We desire to shew Our mercy, by pardoning the offences of those who have been thus misled, but who desire to return to the path of duty.

Already, in one Province, with a view to stop the further effusion of blood, and to hasten the pacification of Our Indian dominions, Our Viceroy and Governor General has held out the expectation of pardon, on certain terms, to the great majority of those, who, in the late unhappy disturbances, have been guilty of offences against Our Government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of Our Viceroy and Governor General, and do further announce and proclaim as follows:—

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such, the demands of justice forbid the exercise of mercy.

To those, who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators in revolt, their lives alone can be guaranteed; but in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance; and large indulgence will be shewn to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

To all others in arms against the Government, We hereby promise unconditional pardon, amnesty, and oblivion of all offence against Ourselves, Our Crown and Dignity, on their return to their homes and peaceful pursuits.

It is Our Royal pleasure that these terms of grace and amnesty should be extended to all those who comply with their conditions before the 1st day of January next.

When, by the blessing of Providence, internal tranquillity shall be restored, it is Our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer its government for the benefit of all Our subjects resident therein. In their prosperity will be Our strength; in their contentment Our security; and in their gratitude Our best reward. And may the God of all power grant to Us, and to those in authority under Us, strength to carry out these Our wishes for the good of Our people.

PROCLAMATION BY THE RIGHT HONORABLE THE GOVERNOR GENERAL OF INDIA.

Foreign Department.—Allahabad, the 1st November 1858.

Her Majesty the Queen having declared that it is Her gracious pleasure to take upon Herself the Government of the British Territories in India, The Viceroy and

Governor General hereby notifies that from this Day all acts of the Government of India, will be done in the name of the Queen alone.

From this Day all men of every Race and Class, who, under the administration of the Honorable East India Company have joined to uphold the honor and power of England, will be the servants of The Queen alone.

The Governor General summons them, one and all, each in his degree, and according to his opportunity, and with his whole heart and strength, to aid in fulfilling the gracious Will and pleasure of The Queen, as set forth in Her Royal Proclamation.

From the many millions of Her Majesty's Native subjects in India, The Governor General will now, and at all times, exact a loyal obedience to the call which, in words full of benevolence and mercy, their Sovereign has made upon their allegiance and faithfulness.

No. 997.—*Notification.—Foreign Department.—North Western Provinces. Dated Allahabad, the 5th November* 1858.

The following General Order, issued by the Right Hon'ble the Governor General of India, in the Military Department, under date the 9th instant, No. 460, is re-published for general information:—

No. 460.

Military Department.

Allahabad, the 9th October, 1858.

General Order by the Right Hon'ble the Governor General of India.

It having been brought to notice, that elephants and camels have been sold as confiscated property, unknown to the Commissariat Department, the Right Hon'ble the Governor General directs, for the guidance of Officers concerned, that all elephants, camels, bullocks, or mules, being confiscated property, and which may be deemed fit for the public service, shall be made over to the nearest Commissariat Officer, at a valuation.

CONTENTS.

ORDERS OF GOVERNMENT,

NORTH WESTERN PROVINCES.

PUBLIC WORKS DEPARTMENT.

Subject.	*Date.*	*Page.*
PUBLIC WORKS DEPARTMENT.		
Letter from the Government of India, laying down certain rules with the view of ensuring due attention to the importance of expedition, in the operations of the Department of Public Works, ...	27th November 1857.	71
Ditto ditto, regarding the check to be exercised over the expenditure of money, granted by Government, in aid of the erection of Roman Catholic Chapels, ..	27th November 1857.	*ib.*
Relative to the adjustment of, and payment for, convict labor, in the execution of Public Works, ...	14th August 1857.	72
Relative to the importance of accurate specifications and of strict adherence to them when correct, of reporting departures from them when necessary, and of caution on the part of relieving officers in accepting and working on those of their predecessors,...	16th March 1858.	*ib.*
Instructions regarding certain items to be entered in the Budgets, ...	11th December 1857.	73
Laying down rules for the adjustment of charges incurred by Public Works Officers, on account of other Departments, as well as in the audit of stationery,	7th May 1858.	74
Regarding the arrangements for the future supervision of the eastern Jumna Canals, ...	3rd June 1858.	75
On the subject of taking security from Executive Engineers and other subordinates in the Public Works Department, ...	7th May 1858.	77

Subject.	*Date.*	*Page.*
Regarding claims for water rent on villages, which cannot now pay from having been confiscated by the Government, ...	14th July 1858.	77
Calling attention to the necessity of a careful consideration of the affairs of the Road and Ferry Fund Committees at the annual meeting, to be held in the latter half of August, by Circular Order No. 229 B, dated 3rd March 1854, ...	5th August 1858.	79
Requesting that monthly returns may be furnished of all serious accidents on the Railway, ...	5th August 1858.	*ib.*
Calling attention to paragraph 2, page 166, of the Public Works Code, by which it is laid down that Committees shall no longer be employed to investigate accidents or losses under special orders, ...	31st August 1858.	80
Conveying the decision of the Honorable the President in Council, that the dwellings of the Roman Catholic Priests, when forming a part of the Chapel, is to be repaired at the public expense, ...	30th August 1858.	*ib.*
Authorizes in supercession of former orders to maintain for the present the lower subordinate establishments of the Public Works Department at the numerical strength in each of the several grades at which they stood on the 1st May last, ...	6th September 1858.	*ib.*
Approving the purchase, by the Roorkee Workshops, of the iron obtained from arms collected by the various Magistrates, at the rate of Rs. 2 per maund,...	13th October 1858.	83
Intimating, for the information of Chief Engineers, that they should send through the local Government, for submission to the Financial Department, an annual report in the prescribed form, of all increases and decreases of establishment, of which the salaries come under their audit,...	11th October 1858.	84
Notifying the advantages of transport offered by the Canal, ...	26th November 1858.	93
Rules regarding arrears of accounts in the Public Works Department,...	3rd December 1858.	94
Indicating the ferries and bridges, which are to be considered as falling within the scope of Circular Orders of the Public Works Department, dated 10th April 1857, No. 1638, and 3rd September 1858, No. 4371, ...	3rd December 1858.	96
Directing that from the 1st of January 1859, all staff and other allowances, drawn by Officers of the Public Works Department, who have been absent above six months shall cease.	16th November 1858.	98

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

For 1858.

PUBLIC WORKS DEPARTMENT.

Circular No. 5709.—*From* Captain H. Yule, *Officiating Secretary to the Government of India, to* Colonel H. Fraser, C. B., *Chief Commissioner of Agra and North Western Provinces, Public Works Department, (Public). Dated Fort William, the 27th November* 1857.

With the view of ensuring due attention to the importance of expedition in the operations of the Department of Public Works, the Right Hon'ble the Governor General in Council has been pleased to lay down the following rule :—

In every case in which the execution of work is ordered, there shall be an intimation of the period by which it is expected to be completed. In the case of work sanctioned by Government or by a Chief Engineer, it shall, as a general rule, be left to the Superintending Engineer to prescribe the time within which the work is to be done; and if it be a work which will take more than a season to complete, he shall also intimate the progress expected to be made in the first season.

In the case of minor works done on the requisition of the local authorities, the period of expected completion may be stated by the local Officers in the requisition; and the subordinate on the spot will bring to the Executive Engineer's notice cases in which the time fixed may be unreasonable, failing which he will be held responsible for not finishing the work in time.

Circular No. 5722.—*From* Captain H. Yule, *Officiating Secretary to the Government of India, to* Colonel H. Fraser, C. B., *Chief Commissioner of Agra and North Western Provinces, Public Works Department, (Ecclesiastical). Dated Fort William, the 27th November* 1857.

It being necessary to define the check to be exercised over the expenditure of money granted by Government in aid of the erection of Roman Catholic Chapels, the Right Hon'ble the Governor General in Council is pleased to direct, that in all cases where the Government grant preponderates in amount, the building shall be erected on sanctioned plans, and estimate prepared by the Executive Engineer; but in cases where

private contributions equal or exceed the grant, the construction of the building may be entrusted to a Committee, of which the Executive Engineer and the Officer Commanding the Station shall be ex-officio members.

2.—Altar and Church furniture being necessary adjuncts, the application of a fair proportion of the grant towards them is legitimate and proper.

CIRCULAR No. 3914.—*From* COLONEL W. E. BAKER, *Secretary to the Government of India, to* C. B. THORNHILL, *Esquire, Officiating Secretary to Government, North Western Provinces, Public Works Department, (Public). Dated Fort William, the 14th August* 1857.

WHENEVER convict labor is employed in the execution of Public Works, the value of such labor shall be duly charged for in the accounts of the work, and a corresponding credit allowed in account to the Civil Department, by which the convicts were supplied.

2.—The charge for convict labor will be fixed at two-thirds of the usual rate paid for free labor of a like description.

3.—No actual money payments will be made by Executive Engineers on account of the charge for convict labor, but a memorandum in duplicate will be prepared, counter-signed both by the Engineer and the Civil Officer, one copy to be rendered by the former with his accounts, the other by the latter, in order that the necessary adjustments may be made in account.

4.—Where materials prepared by convicts, the value of which would be credited to a Jail Fund, placed at the disposal of a Magistrate, or on which a commission is allowed to the Jailor, or supplied to an Officer of the Public Works Department, they shall be paid for in cash and dealt with in his Accounts as though they had been purchased from any other source.

No. 316-17 and 18.—*From* WILLIAM MUIR, *Esquire, Secretary to the Government of the North Western Provinces, to the Chief Engineer of the North Western Provinces, Chief Engineer of Saugor, and Superintendent General of Irrigation, Public Works Department. Dated Allahabad, the 16th March* 1858.

I AM directed to forward copies of a letter dated 29th January last, No. 737, from the Officiating Secretary to Government of India, Public Works Department, on the subject, noted in the margin, and to request that you will circulate and enforce attention on the part of your subordinates to the principles contained therein.

Importance of accurate specifications and of strict adherence to them when correct; of reporting departures from them when necessary, and of caution on the part of relieving officers in accepting and working on those of their predecessors.

CIRCULAR No. 737.—*From* CAPTAIN H. YULE, *Officiating Secretary to the Government of India, to Lieutenant Colonel R. Strachey, Secretary to the Government of the Central Provinces, Public Works Department, (Military.) Dated Allahabad, the 29th January* 1858.

THE following circumstances, illustrative of the importance of accurate specifications, and of strict adherence to them when correct, of reporting departures from them when necessary, and of caution on the part of relieving officers in accepting and working on

those of their predecessors, are published to the Department generally, by order of the Right Hon'ble the Governor General in Council.

Rupees 62,684. Two barracks were estimated to cost Rupees sixty-two thousand, six hundred and eighty-four.

They were designed to stand on a basement of grained arches.

The whole of the work, except the arching, was specified and estimated by one officer, (A.), to be executed in *rubble masonry*.

Another officer (B.), who had to execute the piers of the grained arches, justly considering that common rubble work would be unsuitable in such a position, built them of a better description of masonry, in which the chisel was liberally used.

A third officer (C.), succeeded to the charge of the work, young and inexperienced. He found but one kind of work specified, so he carried on the superstructure in the higher style of work that he found in hand, for which, however, the same necessity did not exist.

Those who followed this young officer continued the same style of work, until at length it was brought to notice by the officer in charge, that the estimate would be much exceeded. This was obviously the duty of each one of his predecessors; by that officer (B.), is least excusable, who, judging rightly, in the first instance, of the inapplicability of the inferior work provided in the specification, omitted to report the necessary departure from it, and obtain sanction to the consequently greater outlay than would have to be incurred, and which must have been most apparent.

THIS CASE INVOLVES

1*st*.—A defective specification by one officer, (A.)

2*nd*.—A failure on the part of the higher controlling officer to check this defective specification.

3*rd*.—Laxity on the part of another officer (B.), in departing from the specification without making a report.

4*th*.—Negligence on the part of several officers in failing to report that the estimate was being exceeded, and to consult the specification for each part of the building.

The result, as far as the Government is concerned, is this, the buildings have been constructed throughout in a much more expensive style than was either contemplated or needed; and now that they are nearly finished, the revised estimate amounts to

Rupees 1,11,833. Rupees one lakh, eleven thousand eight hundred and thirty-three, or

Rupees 49,149. Rupees forty-nine thousand one hundred and forty-nine, in excess of the sum authorized in the first instance; the greater part of this excess being due to the shortcomings noticed above.

CIRCULAR No. 5931.—*From* CAPTAIN H. YULE, *Officiating Secretary to the Government of India, to Secretary to Government, North Western Provinces.—Public Works Department, (Public). Dated Fort William, the 11th December* 1857.

A WORK is sometimes omitted in the Budget for the coming year, in the expectation that it will be finished during the current year. When this expectation is not realized, there is, therefore, no provision in the new Budget for the completion of such work in the coming year, but there is, or should be, an unexpended balance on the sum authorized for it in the previous Budget. It being out of the question to let the work be interrupted in consequence of the sanction on the past Budget lapsing on the

30th April, it becomes necessary to re-authorize this unexpended balance, and as no provision has been made in the new Budget, such expenditure has hitherto been generally treated as an emergency of the year.

2*nd*.—To obviate this, it is now ruled that, in future, all works, entered in the last Budget, the completion of which, though expected before the close of the year, shall not actually have been reported when the Budget for the coming year is prepared, shall be again brought forward in statement No. 2 of that Budget, leaving the column headed "amount to be authorized for the year," blank.

3*rd*.—If the anticipated completion of any such work does not actually take place before the end of the current year, it will be in the competence of the local Government to authorize, without reference to the Supreme Government, the outlay necessary for its completion, provided that, the total of the sums authorized for the year, be not exceeded.

4*th*.—It is not anticipated that this limitation will cause inconvenience, as it generally happens, that in some cases the proposed expenditure for the year does not take place, and the amount saved on the estimated outlay in some of the works in progress will, under the above rule, be available for completion of others.

CIRCULAR No. 2143.—*From* MAJOR R. STRACHEY, *Officiating Secretary to the Government of India, to* WILLIAM MUIR, *Esquire, Secretary to the Government, North Western Provinces.—Public Works Department.*—(*Public*). *Dated Fort William, the 7th May* 1858.

INCONVENIENCE having been experienced from the manner in which the adjustment of charges, incurred by Public Works Officers on account of other Departments, has hitherto taken place, as well as in the audit of charges for stationery. The following rules are laid down on these subjects:—

2*nd*.—Executive Engineers or disbursing officers, of whatever description, in the Department Public Works, will render their accounts to the Chief Engineers under whom they serve, and to no other person. All papers for the Accountant General to be submitted through the Chief Engineer's office.

3*rd*.—The adjustment of the accounts of expenditure for work done by Public Work Officers, on account of other Departments, such as Post Office, Telegraph, Local Funds, &c., will invariably be made through the Central Offices of Account. The Executive Engineers will render their accounts to the Chief Engineer, and it will devolve upon the Central Office to submit them for audit or examination to the heads of the Departments, for which the work has been done, if such submission is requisite, as well as to effect the necessary transfers in the Public Books of Account, so that the charge shall eventually appear to the debit of the proper Department.

4*th*.—In the matter of stationery, Executive Engineers will include all such charges in their usual accounts, submitting them with such vouchers as are required, with the other contingent charges of their Divisions. The primary audit will be made by the Chief Engineer as usual with other items of Public Works expenditure, a general bill for all items of stationery being submitted to be passed by the Superintendent of Stationery, by the Central Office of Account annually, or at such other interval as may be found most convenient, in like manner as the general bills for establishments, or works are submitted to the local Government.

5*th*.—It is to be clearly understood, that the above rules apply only to the adjustment of accounts, and are not intended to prohibit the payments of small sums in cash, which it is occasionally convenient or necessary for the Executive Engineers to make to other Public Departments, such as payments for postage, &c.

No. 239.—*From* CAPTAIN H. YULE, *Officiating Secretary to the Government of India, with the Governor General, to* SIR JOHN LAWRENCE, G. C. B., *Chief Commissioner of the Punjab.—Public Works Department.—(Revenue). Dated Allahabad the 3rd June* 1858.

I AM directed to acknowledge your Secretary's letter No. $\frac{117}{845}$ of the 7th ultimo, submitting a correspondence with Lieutenant Colonel Baird Smith, regarding the arrangements for the future supervision of the Western Jumna Canals.

2nd.—There appears to be no difference of opinion, and no room for difference of opinion in the essentials of this matter. Colonel Smith has shewn convincingly the necessity for retaining, in the hands of one Officer, the chief professional supervision of the Canals, which are led from the Jumna, whether on its right or left bank; and he gives excellent reason why that Officer should be, as heretofore, the head of the Irrigation Department of the North Western Provinces.

3rd.—It is also obviously necessary, that Colonel Smith, or the Officer holding his appointment, should act under the orders of the Chief Commissioner in all matters relating to the establishment, works, or revenue of the Western Jumna Canals, considering how intimate are the relations of those Canals with the local interests and economy of the districts.

4th.—The relations between the Superintendent General of Irrigation and the Government, North Western Provinces, in respect to the Canals, east of the Jumna, stand exactly as they have done hitherto.

5th.—You object, however, to Colonel Smith's proposal, that all matters affecting the Department as a whole, and requesting submission to the Government of India, should be so submitted through the Government, North Western Provinces.

6th.—It will be right that separate Budgets and progress reports of the works on the Western Jumna Canals should be submitted through the Punjab administration, and included in the abstract reports of the Province, to which those Canals now belong.

7th.—But the Central Office, under the Superintendent General, will continue undivided. Reports and reviews of its proceedings and comparative analysis of the general results of the Canal administration will naturally continue to be submitted through the Government, North Western Provinces, in whose territory the bulk of the works of Irrigation lie. Copies of all such documents, interesting to the Chief Commissioner, will always of course be promptly supplied by the Superintendent General.

But it does not seem to His Lordship worth while to enter into more detail. In practice there should be no doubt or difficulty.

8th.—As regards the question in the last paragraph of your Secretary's letter, it appears to the Governor General, that the Progress Report for 1857-58, may as well be submitted through the Government, North Western Provinces. The question is one of form; and formerly the Canals belonged to the North Western Provinces, up to the 1st May 1858.

No. 239 A.

Copy of the foregoing forwarded to the Government of the North Western Provinces for information, with reference to their docket No. 131 A. of the 28th ultimo.

No. 735.—*From* R. TEMPLE, *Esquire, Secretary to the Chief Commissioner, Punjab, to* WILLIAM MUIR, *Esquire, Secretary to the Government, North Western Provinces.—Public Works Department. Dated Lahore, the* 21*st May* 1858.

I AM directed to acknowledge your letter No. 516, of the 10th instant, giving cover to a communication from the Superintendent General of Irrigation, North Western Provinces, relative to the future administration of the Western Jumna Canals and other Irrigation works, situated within the Delhie territories, and requesting to know the views of the Chief Commissioner on Colonel Baird Smith's proposals.

2*nd*.—Previous to the receipt of your letter under reply, the Chief Commissioner had addressed Colonel Smith on the subject under reference, and had been furnished by that Officer with a copy of his letter to your address, No. $\frac{92}{1440}$ dated 8th ultimo, before alluded to. The Chief Commissioner's opinion thereon was fully expressed in my letter to the Supreme Government, No. $\frac{117}{645}$ dated 7th instant, a copy of which is hereto annexed.

3*rd*.—From this letter it will be seen that the Chief Commissioner concurs in all of Colonel Smith's proposals with one exception, viz., that in which Colonel Smith suggests that matters relating to Jumna Irrigation system (east and west), *as a whole*, should be submitted to the Supreme Government through the Government of the North Western Provinces. It appears to the Chief Commissioner that the "Department, as a whole," ceases to exist after the separation of the Jumna Canal; or if it does exist, the Jumna Canal will no longer be a part of that whole.

No. 117.—*From* R. TEMPLE, *Esquire, Secretary to Chief Commissioner for the Punjab, to* CAPTAIN YULE, *Secretary to Government of India, with the Governor General.—Public Works. Dated Lahore, the 7th May* 1858.

LIEUTENANT COLONEL B. SMITH, Superintendent of Irrigation, North Western Provinces, having forwarded to this Office, copy of a letter addressed by him (No. 92 of 8th April) to the Government, North Western Provinces, I am directed to submit copies of my letter therein addressed to him and of his reply; and, at the same time, to offer the following remarks on the part of the Chief Commissioner, regarding the future supervision of the Western Jumna Canal.

2*nd*.—Although consequent on the transfer of the Delhie territory to the Punjab administration, it might at first sight appear that these Canals being situated in that territory, should be transferred to the Director of Punjab Canals, yet the Chief Commissioner concurs in the opinion that it would be preferable to leave them under the supervision of Colonel Smith, who would, in respect of them, correspond with, and be subordinate to the Punjab local administration.

3*rd*.—The Chief Commissioner then concurs in Colonel Smith's proposals with one exception, this exception is the proposal marked *third* in his letter of 8th April. There he proposes that matters relating to the Jumna Irrigation Department, (east and west,) as a whole, should be submitted to the Supreme Government *through* the Government of the North Western Provinces. On the Chief Commissioner objecting to that Colonel Smith explains, that by such matters, are only meant statistical returns of a general nature required by the Supreme Government or the Public Work Secretariat,

as relative to the whole Department of Irrigation; but the Chief Commissioner apprehends that when the Western Jumna Canals are placed under the Punjab administration, they will be severed from the Irrigation Department, North Western Provinces, that "Department as a whole" will not include them. They will have no concern with the North Western Government, nor the North Western Government with them. But they will pertain to the Punjab; and the Chief Commissioner submits, that any returns regarding them, required by the Supreme Government, should be forwarded through him.

4th.—With the above reservation, the Chief Commissioner recommends, that the arrangements, as described in paragraph 2 preceding, and concurred in by himself and Colonel Smith, take effect from 1st May of the current official year.

5th.—I am also to enquire whether the Chief Commissioner is to submit the progress reports of Western Jumna Canals to the Supreme Government for the past year 1857-58. It is presumed that, as whatever administration has been possible at all in Delhie territory during the period, has been carried out under the Punjab administration, the reports for these Canals should be submitted through this Office.

CIRCULAR No. 2527.—*From* MAJOR R. STRACHEY, *Officiating Secretary to the Government of India, to* WILLIAM MUIR, *Esquire, Secretary to the Government, North Western Provinces.—Public Works Department.—(Public). Dated Fort William, the 7th May* 1858.

UNDER the old rules of the Public Works Department, all Executive Engineers and all Subordinates were required to give security, the former from five to ten thousand Rupees, and the latter five hundred Rupees. As the new rules fix the amount at only two thousand Rupees for the former class of officers, and at only four hundred Rupees for the latter, there can be no objection on the part of persons who were appointed under the old system, to these sums being substituted for those formerly ordered, and the new rules, therefore, are to be held to be binding on all Uncovenanted Executive Engineers and upper subordinates.

2nd.—But Assistant Engineers were not required to give any security under the old system. Those, therefore, who having entered the Department before the change, have not since had promotion or increase of salary, may be allowed to continue without furnishing security. But every one promoted to the grade of Executive Engineer, or gaining advantage in salary, under the operation of the new system, must conform to its rules in this as in other respects.

No. 921.—*From* W. MUIR, *Esquire, Secretary to the Government, North Western Provinces, to* LIEUTENANT COLONEL R. B. SMITH, C. B., *Superintendent General of Irrigation.—Public Works Department. Dated Allahabad, the 14th July* 1858.

I AM directed by the Right Honorable the Governor General to acknowledge the receipt of your letter dated 26th ultimo, No. 427, submitting a letter from the Superintendent, Eastern Jumna Canal, regarding claims for water-rent on villages which cannot now pay from having been confiscated by the Government, and in reply to communicate the following observations:—

2nd.—The case on which orders are solicited, appears to stand as follows:—Certain arrears of water-rent are due from persons who cultivated in villages since confiscated to the Government for rebellion. The persons from whom the arrears are due have absconded. The Collector of Mozuffernugger has told the Superintendent that he cannot help in the realization of the arrears, as the estates have been confiscated.

3rd.—You suggest the payment of the arrears from the public funds in the Superintendent's hands, and propose submitting bills as for loss caused by the mutinies. This course is objectionable on principle. If the arrears cannot be collected, they should be shewn as what they really are, viz., a deficit of Canal revenue.

4th.—But it is not clear that they cannot be collected. The law on the subject is Act VII. 1843, Section 4. "All balances of water-rent still due for lands irrigated by the "Canal shall be levied either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue." And in the rules, issued under the law by the Government on the subject,* it is provided in Section 9, that in proceeding against the persons and personal property of defaulters, the Canal Officers are to act themselves:—"but if they consider it necessary to proceed against the real property of the defaulters, they will address a requisition to that effect to the Collector of the district in which such property is situated. The Collector, on receiving the requisition, will proceed in the same way as he would upon any similar requisition addressed to him by the Collector of another district."

* Dated 31st May 1843.

5th.—The question therefore now is, whether the defaulters had any real property on which the Canal Officer can fall back. If they had, it should be indicated, and the Collector called upon to realize the balance, either by its sale or any other method. If it is property on which there is any demand for land revenue, then the water-rent should take precedence next after the land revenue. If it is property to be given away in reward, &c., then the grantee should be made responsible for the arrear. If it has been already sold, the Canal Department should be credited with the amount of its claim from any balance that may lie over, after satisfying the demand of land revenue.

6th.—But if, on the other hand, the defaulter was possessed of no real property, then the Collector cannot help; the Superintendent and the Canal Department must suffer for its having made terms on insufficient security.

7th.—A copy of this letter has been furnished to the Sudder Board of Revenue, for communication to the local authorities.

8th.—The enclosure of your letter is returned, a copy having been kept for record.

No. 427.—*From* Lieutenant Colonel R. Baird Smith, C. B., *Superintendent General of Irrigation, North Western Provinces, to* W. Muir, *Esquire, Secretary to Government, North Western Provinces. Dated Roorkee, the 26th June* 1858.

I have the honor to forward, for submission to the Right Hon'ble the Governor General, letter No. 78, of the 24th instant, from Lieutenant Brownlow, Superintendent, Eastern Jumna Canal, seeking for instructions as to how he should deal with claims for water-rent, on villages which cannot now pay from having been confiscated by the Government.

2nd.—I am not aware of the manner in which the Government proposes to deal with the liabilities of villages which it has found itself obliged to confiscate; but it appears to me that, it cannot be contemplated that the Eastern Jumna Canal revenue should suffer. Yet such will be the case unless the amount of these claims are actually paid into the Government Treasuries.

3rd.—In the absence, therefore, of any orders on the subject, it devolves on me to suggest a method by which the claims of the Canal may be met, and the losses to Government, arising out of the mutinies, be best shewn in account; and I propose, with the sanction of Government, to direct Lieutenant Brownlow to pay these revenue claims from the advances he receives for the execution of works, charging such payments, as a contingent expense, in the Department Public Works Account, under the head of "Profit and Loss," the same being included in the bill which I shall have to submit under that head, for the relief of the account specified for other expenses resulting from the mutinies. Such a method would be prompt and sure in its action, and would clearly define, in the Upper Offices of Account, what was actual loss, compared with any profits that may accrue to the Government by the possession of these villages. I beg respectfully to submit it therefore for favorable consideration.

No. 78.—*From* LIEUTENANT H. A. BROWNLOW, *Superintendent, Eastern Jumna Canal, to* LIEUTENANT COLONEL R. BAIRD SMITH, C. B., *Superintendent General of Irrigation, North Western Provinces. Dated Roorkee, Camp Nyeshur, the 24th June* 1858.

I HAVE the honor to request instructions for the disposal of the balances detailed below, being part of the Eastern Jumna Canal arrears of collection.

Forwards for instruction detail of balances of Eastern Jumna Canal collections.

2nd.—The inhabitants of villages against which they are entered having absconded, in consequence of their being implicated in the late rebellion, and no personal property existing, I applied for assistance in realization to the Collector of Moozuffernugger, who informed me that the estates having been confiscated by Government, the Canal balances could not be cleared off.

Villages against which they appear, being confiscated by Government.

3rd.—I am not aware whether Government demands, on any estate forfeited for treason, have a prior claim to settlement, when they date previously to the outbreak of mutiny, but should the balances be irrecoverable, they may as well be struck of without delay.

If considered irrecoverable, permission to strike off requested.

Balances of Eastern Jumna Canal collections in three villages of zillah Mozuffernugger.

Village.	Fuslee.	Water Rent.	Sale of Grass.	Tukkavi.	TOTAL.
Umbahta Gokoolpoor, ...	Khureef 56-57	45 0 8	2 10 0	38 11 7	185 4 11
	Rubbee 56-57	62 8 5			
	Khureef 57-58	16 6 3			
Oomurpoor Sohujnee, ...	Khureef 56-57	16 6 1		1 9 8	44 8 7
	Khureef 57-58	17 8 10			
Thannah Bhorra, ...	Rubbee 56-57	6 11 5		77 8 2	85 8 4
	Khureef 57-58	1 4 9			
		165 14 5	2 10 0	126 13 5	295 5 10

No. 1047.—*From* W. MUIR, *Esquire, Secretary to Government, North Western Provinces, to the Commissioner of Division.—Public Works Department. Dated Allahabad, the 5th August* 1858.

I AM directed to call your attention to the necessity of a full and careful consideration of the affairs of the Road and Ferry Fund Committees, at the Annual Meeting, to be held in the latter half of this month, by Circular Order No. 229 B., dated 3rd March 1854.

2nd.—The opportunity will be taken to review both the Financial state of the funds, and the works upon which they should be chiefly devoted during the coming year.

3rd.—As active operations have in most quarters been suspended during the disturbances, and some lines and bridges may have fallen into disrepair if not wantonly destroyed, the opportunity will be suitable for a general review of the objects towards which attention has been hitherto turned, and those to which it may now be expedient that the energies of the Committees should be mainly directed.

No. 1048.—*From* W. MUIR, *Esquire, Secretary to Government of the North Western Provinces,* to LIEUTENANT W. H. GREATHED, *Deputy Consulting Engineer to Government, North Western Provinces.—Public Works Department. Dated Allahabad, the 5th August* 1858.

I AM directed by the Right Hon'ble the Governor General to request, that monthly returns may be furnished of all serious accidents on the Railway with specification, the consequences attending them, both as regards life and limb, and injury to Railway stock.

2nd.—You are requested to furnish similar returns from the period the Railway began to run.

No. 1109.—*From* F. B. OUTRAM, *Esquire, Assistant Secretary to Government, North Western Provinces, to Commissioners and District Officers.—Public Works Department. Dated Allahabad, the* 31*st August* 1858.

I AM directed to forward, for your information and guidance, the accompanying copy of a letter No. 3804, dated 5th instant, from the Officiating Secretary to the Government of India, Public Works Department, Fort William.

CIRCULAR, No. 3804.—*From* MAJOR R. STRACHEY, *Officiating Secretary to Government of India, to* W. MUIR, *Esquire, Secretary to Government, North Western Provinces.—Public Works Department.—*(*Public,*). *Dated Fort William, the 5th August* 1858.

I AM directed to request your attention to paragraph 2, page 166, of the Public Works Code, by which it is laid down, that Committees shall no longer be employed to investigate accidents or losses, unless under special orders.

2nd.—In such matters the action of Committees, always irresponsible and usually ignorant, too often serves only to set up a screen between Public Officers, who have been guilty of neglect or worse offences, and their responsibilities.

3rd.—As a general rule, it will be the duty of the Chief Engineer, under the orders of the Chief Civil authority, to institute such enquiries as are necessary to get at the facts, and thereon a judgment on the case will be passed. If the formal record of evidence on the spot appears necessary, the district Civil Officer will be available for the duty.

CIRCULAR No. 4315.—*From* MAJOR R. STRACHEY, *Officiating Secretary to Government of India, to* W. MUIR, *Esquire, Secretary to Government, North Western Provinces.—Public Works Department.—*(*Ecclesiastical.*)*—Fort William. Dated Allahabad, the* 30*th August* 1858.

A QUESTION having arisen as to whether the orders of Government, of the 29th October 1856, which direct the repair, at the public expense, of Roman Catholic Chapels, used as places of worship for the European Soldiers, and made over to Government, apply also to the dwelling houses of the priests; I am directed to intimate that, the Hon'ble the President in Council has been pleased to decide, that the priest's dwelling house may be repaired at the public expense, when forming a part of the Chapel, but that the Government cannot engage to repair such residences, when they are separate from the Chapel, though in the same compound.

No. 4295.—*From* MAJOR R. STRACHEY, *Officiating Secretary to Government of India, to* W. MUIR, *Esquire, Secretary to Government, North Western Provinces.—Public Works Department.—*(*Public.*)*—Fort William. Dated Allahabad, the 6th September* 1858.

IN supersession of former orders relative to the lower subordinate establishments of the Public Works Department, I am directed to inform you, that the Honorable the Lieutenant Governor will be authorized, for the present, to maintain the lower subordinate establishments at the numerical strength in each of the several grades at which they stood on the 1st May 1858. Within that strength the power of the Lieutenant Governor to appoint to vacancies will be deemed final.

2nd.—With a view, however, to determining on a proper basis what the scale of these establishments should ultimately be—a matter which has not till now been gone into, it is necessary that the Government of India should be placed in possession of complete information as to their past and present strength, and as to what is thought necessary for the future.

Returns will, therefore, be submitted as early as convenient, in the annexed form, on which the question may finally be disposed of.

FORM No. I.

Comparative Statement of the detailed distribution of the lower subordinate establishment of Public Works Department in Bengal, shewing how they stood on the 17th June 1856 on the introduction of the new system on the 1st May 1858, and what strength is considered necessary for ultimate adoption.

I. Strength on 17th June 1856.				II. Strength on 1st May 1858.					III. Proposed strength for ultimate adoption.					IV.
Divisions.	No.	Grade.	Rates of Pay.	Total.	Divisions.	No.	Grade.	Rates of Pay	Total.	Divisions.	No.	Grade.	Rates of Pay.	Total.	Remarks.
Fort William.	2	Sub-Overseers, 1st Class,	60	120	The same in form as column No. 1.										
	1	Do.	50	50											
	2	Sub-Overseers, 2nd Class,	35	70											
	1	Sub-Overseer, 3rd Class.	20	20											
Barrackpoor, Dum Dum.		And so on for all other Divisions in Bengal, giving complete details in each.													
		Grand Total,					Grand Total,					Grand Total,			

FORM No. II.

Comparative Abstract of the strength of the lower subordinate establishment of the Public Works Department in Bengal, shewing the numbers in each of the grades as authorized under the Notification of 17th June 1856 as they actually stood on the 17th June 1856, on the 1st May 1858, and as they are proposed for future adoption.

	Maximum as per Notification.			Strength on 17th June 1856.				Strength on 1st May 1858.				Proposed strength for ultimate adoption.				Remarks.
No.	*Grade.*	*Rates of Pay.*	Total.	*No.*	*Grade.*	*Rates of Pay.*	Total.	*No.*	*Grade.*	*Rates of Pay.*	Total.	*No.*	*Grade.*	*Rates of Pay.*	Total.	
			Rs.				Rs.				Rs.					
25	Sub-Overseers, 1st Class,	60 50 40	1,250													
60	Sub-Overseers, 2nd Class.	35 30 25	1,800													
40	Sub-Overseers, 3rd Class.	25 20 15	2,800	Abstract of Column No. 1, in Form No. 1.				Abstract of Column No. 2, in Form No. 1.				Abstract of Column No. 3, in Form No. 1.				
25	Sub-Surveyors,	60 50 40 35 30 25	1,000													
	Cashiers, Store-keepers, Head Artificers,															
250	Grand Total,		6,850		Grand Total,				Grand Total,				Grand Total,			

No. 1446.—*From* W. MUIR, ESQUIRE, *Secretary to Government, North Western Provinces, to the Superintendent General of Irrigation.—Public Works Department.—North Western Provinces. Dated Allahabad, the* 13*th October* 1858.

HAVING laid your predecessor's letter No. 793, dated the 10th August, before the Right Honorable the Governor General, I am directed in reply to intimate, that His Lordship approves the purchase, by the Roorkee Workshops, of the iron obtained from arms, &c., collected by the various Magistrates, at the rate of Rs. 2 per maund.

2*nd*.—A Circular Order will be addressed to the local authorities, instructing them to send all the old iron obtained in the process of disarming, to the Workshops.

3*rd*.—Referring to Colonel Smith's 4th paragraph, you will arrange with the local authorities as to the best mode of conveying expeditiously, and with the least expense, the iron to Roorkee.

4*th*.—The proceeds will be credited on account under the head of "profit and loss, mutinies."

5*th*.—The enclosure of your predecessor's letter is herewith returned, copy being kept for record.

No. 703.—*From* LIEUTENANT COLONEL R. BAIRD SMITH, C. B., *Superintendent General of Irrigation, North Western Provinces, to the Secretary to Government, North Western Provinces, Public Works Department. Dated Roorkee, the* 10*th August* 1858.

I HAVE the honor to forward herewith, for the orders of the Right Hon'ble the Governor General, letter No. 221, dated 7th instant, from the Superintendent of the Roorkee Workshops, requesting sanction to the purchase of about 14,000 maunds of old iron, being the weapons of various sorts, obtained by the Magistrate of Meerut, in disarming that district. Captain Allen is of opinion, that paying Rs. 2 (two) per maund for this material, he can work it up to fair profit with the means now available in the Workshops, the payment is of course simply a transfer of the amount from one Department to another.

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2*nd*.—With the steam hammer and scrap mill at work, Captain Allen is prepared to convert into useful forms almost any quantity of old and broken iron he can be supplied with, and if the Magistrates of the different districts of the Doab were directed to communicate with him as to the disposal of the arms they may collect, a large supply of material, that may otherwise be almost useless, could be profitably worked up.

3*d*.—Should this proposal be considered useful and practicable, I would suggest that Commissioners of Divisions may be instructed to direct Magistrates to arrange for the transport of arms to the nearest convenient point on the Ganges Canal, and to inform the Superintendent of the Workshops of the same, when arrangements will be made for bringing the arms to Roorkee by boats.

No 221.—*From* CAPTAIN A. ALLEN, *Superintendent, Canal Foundry and Workshops, Roorkee, to* LIEUTENANT COLONEL R. B. SMITH, *Superintendent General of Irrigation, North Western Provinces. Dated Roorkee, the 7th August* 1858.

WITH reference to correspondence with Mr. Sapte, regarding the purchase of old arms from Government, I have the honor to request that you will sanction the purchase of the quantity now at Meerut, estimated at about 14,000 maunds, at Rs. 2 per maund. Our issuing rate for old iron is Rs. 3 per maund and in small quantities; we have purchased at this rate; but I think there might be some risk in taking such a quantity at a high rate, on account of the different qualities of the iron. Some of it is excellent, some of it inferior steel, and a large portion of it very difficult to forge.

2nd.—Old iron, when wrought under the steam hammer or rolls, is very valuable; but, at the same time, the cost of working it is very great, and unless the raw material is at a low rate, it would not be profitable.

3rd.—Our steam hammer is now working in a very satisfactory manner, and I would suggest the advisability of the whole of the confiscated arms of the North Western Provinces being forwarded to Roorkee for our use. With a large quantity of scrap on hand the necessity of making such large indents on Europe for iron would cease. At the same time we would have a much superior article for use.

4th.—The Canal offers a favorable opportunity for transport from Cawnpoor and other districts, through which it passes.

CIRCULAR No. 5231.—*From* MAJOR R. STRACHEY, *Officiating Secretary to the Government of India, to* WILLIAM MUIR, *Esquire, Secretary to the Government of the North Western Provinces.—Public Works Department.—(General Establishments). Dated Fort William, the 11th October* 1858.

WITH reference to the annexed copy of Financial Resolution, No. 4623, dated 16th July last, I am directed to intimate, for the information of Chief Engineers, that they should send through the local Governments and Administrations, for submission to the Financial Department, an annual report in the prescribed form, of all increases and decreases of establishments of which the salaries come under their audit.

2nd.—This does not supersede the necessity for submitting the bi-monthly Returns of decreases in establishments prescribed in the Financial Department's Resolution of 19th December 1856.—(Vide Public Works Code, page 159.)

No. 4623.

Extract from the Proceedings of the Hon'ble the President of the Council of India in Council, in the Financial Department, under date the 16th July 1858.

Read again a Resolution, passed in this Department, on the 20th July 1855, on the mode of bringing before the Government of India, propositions involving charges on account of salaries, establishments, gratuities, Public Works and Military charges, and

regarding the submission, by the Financial Secretary, of periodical statements of increase and decrease of charges.

Read again a Resolution passed in this Department, on the 19th December 1856, respecting decreases of establishments to be reported to this department.

Read the undermentioned statements appertaining to increase and decrease of charges on account of establishments, salaries, &c., sanctioned by the Government of India, during the years 1856 and 1857, prepared by the Financial Secretary, in accordance with the Resolution passed in this Department, on the 20th July 1855, viz., statements appertaining to the Government of India.

(*Civil Department.*)

(*Military Department.*)

Government of Bengal.

Government of North Western Provinces.

Government of Punjaub.

Government of Fort St. George.

Government of Bombay.

Government of Eastern Settlements.

General Abstract of the above Statements.

Read also a note by the Financial Secretary, dated the 22nd June 1858, furnishing a report on the increases and decreases of establishments, salaries, &c., in 1857.

The Hon'ble the President in Council observes that, in the Resolution of this Government, dated the 20th July 1855, it was directed "that the Financial Secretary shall, at the expiration of every "four months, or as soon after as practicable, submit an abstract statement of the "increase and diminution of charge from the commencement of the current year, and "also general abstract of such increase and diminution in the preceding year."

* Resolution.

In accordance with this Resolution, the Financial Secretary circulated comparative statements for the years 1856 and 1857, but as it appeared to His Honor in Council that the form of these statements was unobjectionable, it was directed that a report on them should be prepared, and that nothing but the general abstract statement, mentioned above, should in future be circulated with a general report.

In conformity with the above mentioned order, the Financial Secretary submits a report on the increases and decreases shewn in the statements for 1857. His Honor in Council approves of the form in which the report has been prepared, and is pleased to resolve, that like reports shall in future be substituted for the separate abstract statements of increase and decrease of charge in the several Presidencies, including the Government of India and the Punjab. But he is of opinion, as suggested by the Financial Secretary, that it will be better to have the general abstract statement and report in future prepared once a year, instead of every four months, as prescribed in the Resolution passed in this Department on the 20th July 1855, and as the object of the returns in question seems to be to shew increase and decrease of salaries and establishments and nothing else, His Honor in Council considers that all entries on account of Churches built, Vessels bought, donations other than rewards to servants, and all charges not strictly of the same nature as the payment of establishments, should be omitted in future from the column headed "casual."

The very small amount of the temporary charges that are entered as lapsed, whether it is from error in the statement, or from the fact being so, requires close attention, and His Honor in Council desires, that in future the returns of increase and decrease, prepared in this department, be checked by reports from the several Auditors, to be furnished annually as soon as possible, after the expiration of every official year, in the form annexed, the first report being for the official year 1858-59.

Annual statement shewing increases and decreases effected in establishments, permanent and temporary, during the official year 185—5

Department.	Office.	Nature of charge, and date of order sanctioning it.	Permanent.				Temporary.						Remarks.
			Increase.			Decrease.							
			Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.		
Abkaree,	Superintendent of Abkaree, &c. &c.,												
Customs,	Collector of Customs, &c. &c.,												
Judicial,	Judge of &c. &c.,												
Revenue,	Collector of &c. &c.,												

His Honor in Council thinks it will be necessary shortly to take the Financial question up thoroughly, including the question as to how the revenue is to be raised; but he does not think the present a good opportunity for doing so. It will be better in his opinion to found so large a question on a general financial account of receipts and disbursements.

In the meantime, His Honor in Council directs, that the attention of the several local Governments may be drawn to the rapidly increasing growth of charges, permanent and temporary, and that the absolute necessity of greater economy may be insisted on.

Ordered, that a copy of the above Resolution, and of the Financial Secretary's report, together with appropriate extracts from the statements of increase and decrease under review, be forwarded to the Departments, (*a*) Governments, (*b*) and Officers, (*c*) noted in the margin, for information and guidance, with a request that the annual reports, required from the several Auditors, may be submitted to this Department as soon as received.

ORDER.

(*a*). Home, Foreign, Public Works, and Military Departments.

(*b*). Governments of Bengal, Madras, Bombay, North Western Provinces, and Eastern Settlements.

(*c*). Chief Commissioner of Punjab, and Civil Auditor, Fort William.

(A true extract.)

(Signed) C. H. LUSHINGTON,

Secretary to the Government of India

REPORT.

ON INCREASES AND DECREASES OF ESTABLISHMENTS, SALARIES, &c., IN 1857.

In submitting to Government, in compliance with the orders passed in my note of the 1st instant, the following report on the increases and decreases of establishments, salaries, &c., in 1857, I beg to observe, that statements similar to those which accompanied that note, and to which such strong objection has now been taken by the Honorable the President, have, from time to time, been passed by Government without remark; and, as I supposed, with approval; and that the form of those statements is in strict accordance with the instructions contained in the Resolution of Government in this Department, dated the 20th July 1855, in which it was directed "that the Financial Secretary shall, at the expiration of every four months, or as soon after as practicable, submit an abstract statement of the increase and diminution of charge from the commencement of the current year, and also a general abstract of such increase and diminution in the preceding year."

To form a full and complete comparison of the charges of any two years is, indeed, under existing circumstances, impracticable, without considerable delay, as the returns of 1856 and the previous years are not complete, and as they cannot be made complete without reference to the Auditors, the decreases of permanent establishments exhibited in them, comprise those cases only in which the decreases were submitted for the sanction of this Government, in connection with other alterations in the scales of establishments; while the decreases of temporary establishments are confined to cases in which the establishments were sanctioned for limited periods. The results given in the statements in short were obtained solely from the records in my Office, and as the orders of 1843 for the transmission to my office of all propositions for "decrease" (as well as "increase and alterations") of establishments were not fully carried out, it was not till the resolutions of the 20th June and 19th December 1856 were passed, and periodical returns of the discontinuance of establishments sanctioned permanently, and for indefinite periods were obtained, that the

1857.

	Permanent.		Temporary.		
	Increase.	*Decrease.*	*Increase.*	*Decrease.*	*Casual.*
Government of India (Civil,)	28,548	13,516	25,490	2,740	78,106
Ditto (Military Department,)	3,137	3,915	17,613	2,498	1,183
Bengal, ...	21,397	5,087	59,657	10,033	1,04,075
North Western Provinces,	4,102	1,242	40,114	3,008	15,759
Punjab, ...	6,630	4,722	22,878	7,292	94,280
Fort St. George, ...	37,533	44,516	18,475	3,254	10,110
Bombay, ...	7,291	6,189	39,431	9,361	19,255
Eastern Settlements, ...	2,616	450	320	41	1,000
Total, ...	1,11,154	78,638	2,23,968	38,202	3,23,738
		78,638		38,202	
Net Increase,	32,516		1,85,766		

Department was placed in a position to prepare an accurate general returns, I shall proceed, therefore, at once, without noticing the charges of previous years, to report on the charges of 1857, as exhibited in the statement given in the margin.

It will be observed from this statement, that there was in 1857 a gross increase in the permanent charges of Rs. 1,11,154 per mensem, less a decrease of Rs. 78,638 per mensem, giving net increase of Rs. 32,516 per mensem, or Rs. 3,90,192 per annum; a gross increase in the temporary charges of Rs. 2,23,968 per mensem, less a decrease of Rs. 38,202 per mensem, giving a net increase of Rs. 1,85,766 per mensem, or Rs. 22,29,192 per annum, and that the casual increases amounted in the gross to Rs. 3,23,738.

The permanent and temporary increases may be divided into the following classes:—

1*st.*—Charges incidental to recent annexations.

2*ndly.*—Charges consequent on the organization of new departments.

3*rdly.*—Charges connected with the improvement of postal communications.

4*thly.*—Charges attendant on extensive reforms.

5*thly.*—Charges consequent on the mutinies and political occurrences of the times, and

6*thly.*—Charges of an ordinary nature in old established offices.

The total amount of increase under each of these heads is as follows:—

	Permanent Increase.	*Temporary Decrease.*
1*st.* Class, ...	14,123	13,200
2*nd.* Do., ...	6,739	14,079
3*rd.* Do., ...	5,208	13,135
4*th.* Do., ...	23,500	7,151
5*th.* Do., ...	3,804	10,4,552
6*th.* Do., ...	57,780	71,851
Total, ...	1,11,154	2,23,968

In the first class there is a permanent charge of Rs. 14,123 per mensem in the Pegu, Tenasserim and Martaban Provinces, chiefly on account of Police Corps as Toungoo and Younsaleen and Goung's establishments in Martaban; a temporary charge of Rs. 1,861 per mensem for other Police Levies in Pegu; another temporary charge of Rs. 6,404 per mensem on account of the settlement of the districts of Mooltan, Shahpore and Googaira, and Rs. 4,935 per mensem on account of the Survey and Settlement establishments at Shikarpore, Sukkur and Rooree.

In the second class, there is a permanent charge of Rs. 6,016 per mensem in the Telegraph Department, chiefly on account of a new first class circle from Lahore to Umballah, Kurrachee and Peshawur, and additions to the establishments at the Presidency, and on the Hydrabad and Nagpoor line; Rs. 723 per mensem on account of the establishment

of the Director of Public Instruction at Bombay, and a temporary charge of Rs. 3,150 per mensem on account of the salaries of certain European Assistants. There is also a temporary charge of Rs. 9,921 per mensem for Educational establishments in the Punjab, and a temporary charge of Rs. 1,008 per mensem in the Educational Department at Bombay, consequent on the establishment of a school at Aden, charges in the Elphinstone College, &c.

In the third class, I find permanent charges of Rs. 3,044 per mensem for a Horse Dâk from Madras to Bombay, and Rs. 1,325 per mensem on account of Post Office establishments in the Sonthal Pergunnahs, and on the road from Doodkandy to Akyab; also temporary charges of Rs. 828 per mensem for additional runners between Nagpoor and Sumbhulpoor; Rs. 4,044, 2,953 and 10,408 per mensem for additions to the Postal establishments in Bengal, Madras, and the North Western Provinces, and Rs. 1,360 per mensem on account of mails between Hydrabad and Sukkur.

In the fourth class, there is a permanent charge of Rs. 23,500 per mensem for the organization of the Police establishments of the several districts of the Madras Presidency; Rs. 3,134 per mensem on account of the formation of the non-regulation territory of Kurnool into a new Zillah; and Rs. 4,017 as a temporary charge for arrangements preliminary to the survey of the Madras Presidency.

In the fifth class, there is a permanent charge of Rs. 1,614 per mensem on account of a Bazar and Police force at Bushire, with temporary charges of Rs. 13,582 per mensem on account of Missions to Candahar and Herat, and the appointment of Lieutenant Osborne to Rewah; Rs. 17,613 per mensem in the Military Department, chiefly in establishments consequent on the influx of European troops, and the measures taken for the suppression of the mutinies; Rs. 17,101 per mensem on account of additional Police, and Rs. 2,933 per mensem for European seamen for River Steamers in Bengal; Rs. 3,415 per mensem on account of the appointment of a Lieutenant Governor in the Central Provinces; Rs. 3,757 per mensem on account of a Special Commissioner for the trial of mutineers, the appointment of an Officer to take charge of the king of Delhie, &c.; Rs. 19,000 per mensem for extra Police in the North Western Provinces, consequent on the mutinies; Rs. 4,630 per mensem for a Mounted Police force at Madras; Rs. 6,229 per mensem for extra Police at Ahmedabâd, and extra Horsemen in the Khandeish, Ahmednugge and Poona Collectorates; Rs. 8,701 per mensem on account of a Flotilla in the Persian Gulf, the establishment of a Signal Station at Bushire, and other charges connected with the Persian expedition, and Rs. 3,257 per mensem for additional Sowars, attached to the Police in Sinde.

The most prominent items of permanent increase in class six, are the following:—

Rs. 2,500 on account of extra Preventive Officers in the Calcutta Custom House.

„ 1,660 on account of extra Police in Bengal.

„ 4,866 in the Marine Department of Bengal, on account of establishments for a new Floating Light Vessel, a Surveying Vessel, &c., and an addition to the Office establishment of the Superintendent of Marine.

Rs. 1,809 for an addition to the establishment of the Bhowanipoor Lunatic Asylum,

„ 1,817 on account of the salary of a separate Officer as Consulting Engineer.

„ 2,418 in the North Western Provinces, on account of Police, a Deputy Magistrate at Azimgurh, and the appointment of a Superintendent of the Meerut Jail.

Rs. 2,021 in the Punjab, in the Department of Public Works, in the establishments of the Sirhind Division, the Hindoostan and Thibet Road, &c.

Rs. 1,200 in salaries of extra Assistants in the Punjab.

„ 1,550 in the establishment of the "Gazette Press" at Madras.

„ 3,708 on account of an increase to the Police force at Madras.

„ 3,180 in augmentation of the Kurnool Horse.

„ 1,697 in the appointment of a Sub-Collector at Masulipatam.

„ 668 in the Customs and Salt establishments on the Goa Frontier.

„ 2,515 on account of the establishment in the Judicial Department at Malacca.

Amongst the temporary increases in the sixth Class may be noted.

Rs. 646 (net) in establishments for the Offices of Audit and Account in Calcutta.

„ 8,059 in the Department of Public Works in Bengal, in the Executive establishments of the Chief Engineer, the establishments at the Port of the Mutlah, &c.

Rs. 2,608 on account of a guard in the Sonthal Pergunnahs, and the Office establishment of the Deputy Commissioner of those districts.

Rs. 8,426 in the Marine Department of Bengal, consequent on an augmentation of the Harbour Master's establishment, the hire of an extra Light Vessel in the Gasper Channel, &c.

Rs. 2,550 for the survey of Pykan lands in Midnapoor.

„ 8,068 on account of the continuance of the extra establishment for the Chief Engineers, North Western Provinces, and extra Superintending Engineer for the charge of the Public Works in the lower portion of the North Western Provinces.

Rs. 3,577 in the Public Works Department in the Punjab, on account of the establishments of the Chief Engineer and other Offices.

Rs. 1,771 in the General Department of the Punjab, consequent on the continuance of the Punjab Timber Agency, the appointment of an Assistant to the Military Secretary of the Chief Commissioner, &c.

Rs 1,440 in the Public Works Department at Bombay, owing to the appointment of an Officer to examine the harbours on the coast south of Bombay, the appointment of an Auditor of Public Works Accounts, &c., of the decreases in the permanent charges, amounting to Rs. 78,638 per mensem, no less than Rs. 53,854 per mensem are consequent on the stoppage of Public Works, chiefly in the territories under the Government of India and at Madras. The other most prominent items are Rs. 3,515 per mensem in the Commissariat charge of Bengal, Arracan and Pegu; Rs. 1,280 per mensem on account of the abolition of a Sudder Ameenship and Principal Sudder Ameenship at Patna, and a Deputy Magistracy at Mymensing; Rs. 1,167 per mensem on account of the salary of an Assistant Commissioner in the Northern Sircars; and Rs. 709 per mensem in the Office and District establishments of Thur and Parkur in Sind.

Government of India, ...	10,709
Madras, ...	40,770
Punjab, ...	2,375
	53,854

The chief items of decrease in the temporary charges are Rs. 1,248 per mensem in the Police, Revenue and other establishments in the Tenasserim, Pegu and Martaban Provinces; Rupees 1,202 in the Commissariat Department, the salary of a Brigade Major attached to the Brigade, employed in the Sonthal Pergunnahs, and the salary of an Assistant employed in the Office of the Commissary General, in the preparation of a Code for the Department; Rs. 2,500 per mensem by the transfer, from the temporary to the fixed establishment, of 25 Preventive Officers, attached to the Calcutta Custom House; Rs. 660 per mensem on account of a temporary establishment in the Office of the Commissioner of the Sonthal Pergunnahs; Rs 792 per mensem by a reduction of the Arracan Flotilla; Rs. 1808 per mensem in the temporary establishment of the Bhowanipoor Lunatic Asylum; Rs. 1,277 in the establishment of the Superintendent of Works of Irrigation in Behar and Shahabad; Rs. 5,020 per mensem in the Punjab, chiefly on account of Settlement establishments; and Rs. 1,254 per mensem by the discontinuance of an additional Sub-Collector in south Arcot.

The principal casual charges are Rs. 60,630 under the Government of India, on account of establishments in the Timber Department of the Tenasserim and Martaban Provinces, the conveyance of mails from Majee in Arracan to Thayet Myoo, remuneration to land measurers employed in the survey of cultivated lands in Pegu, and a grant for the erection of a Roman Catholic Chapel at Toungoo; Rs. 90,481 in Bengal, on account of donations, rewards, &c., the purchase of the brig *Minx* and the building of boats for the Harbour Master's Department; Rs. 12,873 in the North Western Provinces, on account of rewards and extra Police; Rs. 90,161 in the Punjab for the construction of Churches, the preservation of newly planted trees at Nowshera and in the Kohat District, the settle-

ment of the Shahpoor District, and in donations to the Lawrence Asylum and the troops of the Rajah of Kupperthullah: Rs. 10,110 at Madras, on account of establishments for the completion of the accounts connected with the revision of the assessment of north Arcot, and the removal of shoals between Dorapolly and Dowleshwaram, and between the Sinteral and Euchampully Barriers; and Rs 15,872 in Bombay, for the conveyance of mails between Candeish and Nimar, and Malligaum and Ahmednugger.

Why the increases in the temporary charges so largely exceed the savings by lapse cannot be stated with certainty. In former years, as I have said, the returns were imperfect, and it is possible that there are some deficiencies in those of 1857. But this is not probable, and I see little ground for thinking that the full amount of actual lapses has not been reported. To ensure this with more certainty for the future, however, it may be desirable to check the Departmental returns with returns from the several Auditors, and if this is done, it will be desirable that a report on the increases and decreases be furnished from this Department annually, instead of once in four months as heretofore.

By what means the continually increasing charges are to be avoided, it is difficult to say. It is notorious that the business of almost every Department is increasing to a large extent; that the establishments of most Departments are far from being on an efficient footing; that there is a greater demand for clerks and subordinate officers of every description than was ever before known; that the price of wages has risen, and that in addition to Military operations, expensive measures of civil reform have yet to be introduced; and when this is borne in mind, and it is remembered how large the increases of establishments, &c., have been within the last four* years, notwithstanding that the rule of this Department to pass no charge, of the absolute necessity of which the Government is not satisfied, is rigidly adhered to, it appears hopeless to expect that the administration of the country can be properly carried on, and the finances, at the same time, placed on a satisfactory footing, by mere measures of retrenchment, or checks on the grant of additional establishments.

	* Gross.	Annual.	Increase.
	Permanent.	*Temporary.*	*Casual.*
1854, ...	23,07,732	14,28,264	94,955
1855, ...	15,03,720	17,36,136	2,55,012
1856, ...	30,78,372	18,32,868	4,94,807
1857, ...	13,33,848	26,87,616	3,23,738

The more practical question seems to be by what means the necessarily increasing expenditure of the Government can be met; and if the circumstances of the present time are not considered a bar to the institution of enquiries, I would suggest that the local Governments be called upon, without delay, for an expression of opinion as to the manner in which additional taxation may best be introduced. It is a question, I am aware that has often been under discussion, and has often put aside on account of the difficulties with which it is beset; but I am not sure that it has received that full degree of attention it requires, and as I believe it to be indispensable, under existing circumstances, that some measures for obtaining a larger revenue should be had recourse to, it appears to me desirable that the nature of those measures should be discussed, and if possible, resolved upon, in time to allow of their being introduced when our authority is again fully established throughout the country.

GOVERNMENT OF INDIA.—(CIVIL.)

Extract from a Statement shewing the Increase and Decrease of Charges on account of establishments and salaries, as also charges on account of donations, rewards, &c., sanctioned during the years 1856 and 1857.

DEPARTMENTS.	1856.						1857.					
	PERMANENT.		TEMPORARY.		CASUAL.		PERMANENT.		TEMPORARY.		CASUAL.	
	Increase.	*Decrease.*	*Increase.*	*Decrease.*	*Increase.*	*Decrease.*	*Increase.*	*Decrease.*	*Increase.*	*Decrease.*	*Increase.*	*Decrease.*
Electric Telegraph,	...	...	100	117	,,	,,	6,016	,,	3,150	179	,,	,,
General,*	1,256	,,	7,548	550	6,006	,,	7,352	1,102	4,903	370	2,303	,,
Offices of Audit and Account,	14,188	1,436	1,027	,,	,,	,,	207	,,	1,589	943	3,325	,,
Political,	134	,,	947	500	30	,,	50	30	13,582	,,	809	,,
Secretariat,	450	,,	399	,,	,,	,,	800	,,	395	,,	105	,,
Temasserim, Pegu and Martabam Provinces,	1,583	,,	7,001	929	1,03,457	,,	14,123	11,884	1,861	1,248	71,564	,,
	8,646	3,058										
Total,	1,26,257	4,494	17,022	2,096	1,09,493		28,548	12,516	25,480	2,740	78,106	

* Includes charges on account of the General Superintendence for the Suppression of Thuggee and Dacoitee
Hindoostan and Thibet Road;
Board of Examiners;
Magnetic and Geological Surveys;
Surveyor General's Office;
Office establishment of the Director General of the Post Office in India.

No. 1669.—*From* W. MUIR, *Esquire, Secretary to Government, North Western Provinces, to* CAPTAIN W. E. MORTON, *Officiating Superintendent General of Irrigation, North Western Provinces.—Public Works Department. Dated Allahabad, the 26th November* 1858.

HAVING laid your letter No. 1633, dated the 13th November, before His Excellency the Right Hon'ble the Governor General, I am directed to intimate that the correspondence will be printed and circulated to the Commissioners and District Officers in the Doab, in order that suitable steps may be taken for making known to the people the advantages of transport offered by the Canal.

2.—A copy will also be submitted to the Foreign Department of the Government of India, for transmission to the Commissioner of Delhi.

No. 1633.—*From* CAPTAIN W. E. MORTON, *Engineers, Officiating Superintendent General of Irrigation, to* W. MUIR, *Esquire, Secretary to Government, North Western Provinces.—Public Works Department. Dated Roorkee, the 13th November* 1858.

I HAVE the honor to acknowledge the receipt of your letter No. 1519, of the 26th ultimo, inquiring what steps have been taken in the Navigation Department, for making the Ganges Canal available as a means of transport to the public.

Prior to the late disturbances there were 202 boats employed on the canal, for purposes of navigation, and the demand on the part of traders and others, as the Superintendent of Navigation informs me, for boats to ply on the canal on their own account, had become very brisk. With the outbreak of course this demand ceased, and, as was to be expected, the fleet of boats, scattered over the whole length of the canal, suffered serious loss. Out of the above numbers 90 boats were entirely destroyed, and 42 others rendered temporarily unserviceable. Of these last 33 have been since repaired, and brought into use, and the remainder will very shortly be again afloat. These are thus, or will very soon be available for purposes of navigation:

88 Iron boats of 100 maunds each,
8 ditto ditto of 300 ditto,
16 Wooden ditto of 200 ditto,

of which 30 are employed by the Canal Officers for transport of materials to their own works, leaving 82 available for public purposes.

3.—Iron boats have not been approved of for heavy traffic; their great expense, when built for that purpose, being the chief bar to their being so employed, but they are well adapted to passenger traffic, for which lighter boats can be used, and these will be gradually introduced in larger numbers, as the canal route begins to be more extensively adopted by travellers. Mr. Finn has, however, given a contract for the supply of new wooden boats, adapted for heavy traffic, and capable of carrying from 200 to 250 maunds each. The contractor engages to supply ten such boats monthly as long as required.

4.—The demand for boats on the part of traders, above alluded to, has again sprung up with the restoration of order, and is now beyond the means of the Navigation Depart-

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(*Note continued from page* 92.)

Governor General's Office establishment and Tour;
Post Office attached to the Camp of His Excellency the Commander-in-Chief;
Nagpoor; †
Oudh; †
Hyderabad; † (the charges are not shewn in the column, but in the body of the statement, as they are payable from the revenues of the assigned districts).
Mysore; † (the charges are not shewn in the column, but in the body of the statement, as they are payable by His Highness the Rajah of Mysore), and such other charges which cannot properly be placed under the other heads shewn in this return.

† NOTE.—All charges, including Public Works establishments, connected with these districts, are placed under "General," but in future Public Works establishment charges will be shewn under its proper head, viz "Department of Public Works."

ment to satisfy. This failure however is not in my opinion one to be regretted. I consider, that with the enormous extension of canal navigation, of which a certain prospect is opening out, it is not at all advisable that the public should be entirely dependent on the Government for supply of means of transport; and that the sooner that those who wish to resort to the canal as a line of communication, provide their own boats and establishment, the better. I am glad to say, that this end promises to be shortly attained, as one private cargo boat has already been placed on the canal, and several others are being built for that purpose. It would be of very material aid to the Navigation Department in bringing private boats into more extensive use, if Officers in charge of districts, bordering on the canal, were to make the advantages of such a system generally known. Mr. Currie, Collector of Boolundshuhur, is the only Civil Officer, as far as I know, who has as yet shewn an interest in this matter, and he informs me that, several native merchants are preparing to bring their own boats into use on the canal. I have addressed a Circular letter to the Collectors of Boolundshuhur, Allygurh, Mynpoorie, Cawnpore, Etawah, Agra, Meerut, Muttra and Delhi, requesting their aid in carrying out the object in view, but I would respectfully suggest the propriety of orders to the same effect being issued by Government. I may add, that the sum of Rs. 4 per boat per month is the only charge made by the Navigation Department, for the cost of working the locks, right of way, &c., the expenses of plying their boats being of course borne by the owners.

5.—I may mention that, under the orders of His Excellency the Commander-in-Chief, a Committee has reported on the best means to be adopted for making the Canal available for the transport of troops, and has recommenced the construction of 300 iron boats, 40+12, with roofs six feet high, sufficient for the conveyance of 2,000 Europeans with their arms and baggage. The Superintendent, Roorkee Workshop, has no iron adapted for boat-building in store at present, but with a proper supply of that material, he states that with his existing establishment, 60 boats of the above dimensions could be turned out within six months. For a larger number, if required, extra hands could be entertained.

No. 1519.—*From* W. Muir, *Esquire, Secretary to Government, North Western Provinces, to the Director, Ganges Canal Works.—Public Works Department. Dated Allahabad, the 26th October* 1858.

I am directed by the Right Hon'ble the Governor General to request, that you will state what steps have been taken in the Navigation Department of your Office, for making the canal available as a means of transport to the public.

2*nd*.—In the present state of the river, below Furruckabad, it is of essential importance that every facility should be afforded for bringing the canal, as a medium of communication and traffic, into the utmost possible use.

1731.—Circular.

Public Works Department, Fort William, 28th October 1858.

General—Accounts.

RULES REGARDING ARREARS OF ACCOUNTS.

1*st*.—An Executive Engineer is expected to dispatch the accounts of his division for each month, by the 20th of the succeeding month.

2*nd*.—If any delay takes place in the submission of the accounts of the subordinates in the division, the Executive Engineer must not wait for them beyond the end of the month, he will then despatch the accounts that are ready, reporting the cause of delay and the names of the defaulters.

3rd.—If the accounts of any subordinate are in arrear more than two months after the close of the month, to the transactions of which they refer, half his departmental salary will be retrenched, and the retrenchment will be final, unless an explanation be afforded, which shall satisfy the local Government that the cause of delay was beyond the control of the individual concerned.

4th.—An Executive Engineer should be bound to submit the accounts of his subordinates (if not defective,) within fifteen days of the time of their receipt, even though his own accounts should not be ready.

5th.—If the Executive Engineer's accounts are not received in the Central Office within three months of the close of the month, to the transactions of which they refer, his staff salary, if a Military Officer, or half his entire salary, if a Civilian, shall be retrenched, and the retrenchment will be final, unless an explanation be afforded, which shall satisfy the Government of India, that the default has arisen from causes beyond the control of the individual concerned.

6th.—Executive Engineers, with the concurrence of the Superintending Engineer, are authorized to apply the same principle to all the mohurrirs, clerks and accountants, or others, persons engaged in the preparation of the accounts, in their own offices or in the offices of any subordinate disburser, in which arrear, as above explained, shall occur.

7th.—The Chief Engineer is authorized, at his discretion, in any case in which arrears shall arise, to send a suitable number of extra clerks or accountants, to bring up the arrears, at the expense of the Executive Engineer, during whose incumbency the arrears accumulated.

8th.—If an Officer or subordinate, on talking up a new charge finds the accounts in arrears, he must immediately report the circumstance. The Chief Engineer shall thereupon order the employment of such extra establishment as he may think fit, to work off the arrears, at the expense of the Officer under whom they are accumulated.

9th.—The expense of establishments employed under the orders of the Chief Engineer, in accordance with paragraphs 7 and 8, shall be retrenched summarily from the first month's departmental salary payable to the person concerned; and the Chief Engineer of one district or Province shall be bound to enforce, without question, all such retrenchments notified to him by the Chief Engineer of any other district or Province, from which the responsible individual may have been transferred.

10.—The deductions of salary shall in all these cases be made by retrenchments from the salary bills; and the Chief Engineer shall have no power to remit or modify such retrenchments without the orders of the Government of India, or the local Government, as the case may be.

11.—The payment, by any Public Works Officer, entrusted with public money, of any salary or travelling allowance of persons, belonging permanently or temporarily to the regular Public Works establishment, prior to the audit of the bill, or without permission of superior authority, or the payment of any sum retrenched by proper authority, will be regarded as a criminal breach of trust, and will render the person guilty of it liable to dismissal from the Public Works establishment, and to such other penalties as the case may authorize.

No. 1722.—*From* W. Muir, *Esquire, Secretary to the Government of the North Western Provinces, to the Commissioner of Divisions, and Chief Engineer, Jubbulpore.*— *Public Works Department. Dated Allahabad, the 3rd December* 1858.

From Government of India, Public Works Department, dated 10th Apr'l 1857.
Ditto ditto ditto 3rd September 1858.
To Chief Engineer, Agra, of this date.

I am directed to forward for your information, copy of the correspondence, noted in the margin.

No. 1638.—*From* LIEUTENANT W. E. BAKER, *Secretary to Government of India, to the Officiating Assistant Secretary to Government, North Western Provinces.—Public Works Department. Dated the* 10*th April* 1857.

IT having been brought to the notice of the Governor General in Council, that a practice existed in some districts of carrying to the credit of the local funds the entire income of ferries and boat bridges, which had been provided at a large expense from the public revenues. The following rules are laid down for general guidance:—

2*nd*.—The whole of the tolls levied on ferries and bridges of boats, which have been constructed at the expense of the State, or are maintained by grants of public money, shall be carried to the credit of the general revenues.

3*rd*.—Where the boats and bridges have hitherto been kept in efficient order without assistance from Government, the local funds may still continue to receive the income, but not otherwise.

4*th*.—The maintenance of bridges or ferries of a mixed character, that is, partly supported by grants from Government, and partly from the local funds, is considered objectionable, and the practice will henceforth be discontinued.

5*th*.—On imperial lines of road, therefore, where the local funds are not in a position to undertake the entire management of the bridges or ferries, the duty will wholly devolve on the Government, and the tolls will be all credited to the Government revenues.

6*th*.—In furtherance of these views, and at the same time to meet the circumstances of those lines of road on which the collection of tolls has been established, a special fund will be constituted for each principal line of imperial road, or for the several sections of such roads, which shall be called the toll fund of that road.

7*th*.—The whole of the tolls collected on that road, whether at ferries, bridges or toll houses, wherever they may be established, shall be credited to the toll fund; and all outlay for repairs, charges of collections, &c., will, on the other hand, be debited to it.

8*th*.—The gross income of the toll funds will be added to the general revenues, and the gross expenditure in like manner will be a charge against the general revenues, the fund being instituted for purposes of account only, and not with the object of placing the surplus assets, should there be any, at the unrestricted disposal of the local administration, as is now the case with the local funds.

9*th*.—The entire income will therefore be accounted for in full on the receipts of these funds, and the entire outlay, whether for the works on the road, the bridges, the boats, or the toll houses, as well as the whole charge for the establishments for supervision and collections, will be set down in full, and the expenditure will take place under the same rules and restrictions in every respect, as are in force for all other public works expenditure. The practice of making the income from the tolls directly available for alterations, or additions to toll houses, or for increase to establishments, if it any where exists, is to be entirely given up.

10*th*.—The account of the several toll funds, established under each local administration, will be submitted annually with a suitable report, for the information of the Government of India, in connection with the Progress Reports of the Department of Public Works. These accounts will form a part of the returns of remunerative works, already ordered to be prepared.

CIRCULAR No. 4371.—*Extract from the Proceedings of the Hon'ble the President of the Council of India in Council.—Public Works Department.—(Public). Dated Fort William, the* 3*rd September* 1858.

READ the following reply to a letter No. 2473, dated 31st August 1857, from the Secretary to Government of Bombay, on the subject of tolls and ferries.

No. 4370.—*From* MAJOR R. STRACHEY, *Officiating Secretary to Government of India, to* W. HART, *Esquire, Secretary to Government of Bombay.*—(*Public Works*). *Dated Fort William, the 3rd September* 1858.

I AM directed to acknowledge the receipt of your letter No. 2473, dated 31st August 1857, with its enclosure, from the Chief Engineer (which unfortunately has been overlooked till now) requesting instructions on certain points relative to the orders of the Government of India, communicated in the Secretary's Department, Public Works, Lieutenant Colonel Baker's letter No. 1638, dated 10th April 1857, on the subject of tolls and ferries, and having reference to the existing system of management of the income of tolls and ferries, on imperial lines of road in the Bombay Presidency.

2nd.—I am directed by the Hon'ble the President in Council to explain, that the true principle which should be regarded in this matter, and the principle which the Government of India desires should be adhered to and carried out everywhere as soon as possible is, that the gross proceeds of all tolls and ferries on lines of roads constructed and maintained from the public revenues, should be deemed a portion of the revenue of the State. The charges for the maintenance of such tolls and ferries should, in like manner, be a debit against the public revenues, and should be dealt with in every respect under the rules in force for other Public Works expenditure.

3rd.—The concession granted in Rule 3 of Lieutenant Colonel Baker's letter, No. 1638, was made in the first instance to a particular Province, (the Punjab) where a too sudden and general interference with the existing system would have caused a serious derangement of the finances of the local funds, and it was made general in the Circular Orders above alluded to, lest the contemplated alterations might, in like manner, have proved inconvenient, if introduced without preparation, in other Provinces of the empire.

4th.—But it does not appear to the Hon'ble the President in Council, from the correspondence now laid before him, that there is any reason why the true principle, as above explained, should not be carried into effect universally, and at once in the Bombay Presidency; and he, therefore, requests that the Right Hon'ble the Governor in Council will be pleased to issue orders with that view.

5th.—As regards the system to be observed in the collection of tolls on imperial lines of road, I am desired to say, that this is a matter of detail, that the Government of Bombay will deal with as it thinks fit. The alteration of the disposal of the proceeds of these tolls by no means involves any necessary alteration in the system of collection, and it was not intended that any alteration should on this account be made.

Ordered, that copy of the above letter be sent to all Governments and Administrations, with a view to their acting in the spirit of the order issued to the Government of Bombay, in the Provinces under their administration, at as early a date as possible.

No. 1721.—*From* W. MUIR, *Esquire, Secretary to Government, North Western Provinces, to Colonel* J. GLASFURD, *Officiating Chief Engineer, North Western Provinces, Public Works Department. Dated Allahabad, the 3rd November* 1858.

THE orders of the Supreme Government, dated the 10th April 1857, No. 1638, were communicated to your predecessor in the first week of May 1857, as well as to the Chief Engineer, Jubbulpore, and to the Commissioners of Divisions.

2nd.—As the copy supplied to your office has probably been destroyed, another copy is now sent, and also the copy of a further Circular No. 4371, dated the 3rd September, on the subject of tolls and ferries, on imperial line of road.

3rd.—His Excellency the Right Hon'ble the Governor General has been pleased to determine that the following ferries or bridges shall be regarded as falling under the provisions of the orders above referred to, the ferry or bridge over the Ganges at Benares, the ferry or bridge over the Ganges at Allahabad, the ferry or bridge over the Ganges at Cawnpore, the bridge over the Jumna at Agra. In reference to these, the Accountant will be directed to follow the principle laid down by the Government of India, crediting the entire receipts to the imperial revenues.

CIRCULAR No. 5767.—*From* MAJOR R. STRACHEY, *Officiating Secretary to Government of India, to* W. MUIR, *Esquire, Secretary to the Government, North Western Provinces.—Public Works Department.*—(*General Establishments.*) *Dated Fort William, 16th November* 1858.

WITH reference to the large number of officers and subordinates of the Public Works establishments, now absent from the Department on Military duty, and whose half staff salary forms a charge against Public Works, the Honorable the President in Council is pleased to direct that, from the 1st January 1859, all half staff salary and other allowances, drawn from the Public Works Department by Officers of that Department, who have been absent on Military duty for a longer period than six months, shall cease.

CONTENTS.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY & NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

Subject.	*Date.*	*Page.*
Requesting attention to rule laid down in communications with the Sudder Dewanny and Nizamut Adawlut, ...	2nd March 1858.	63
Calling attention to Construction No. 896, enjoining the mode of proceeding on the records of a Moonsiff's Court having been destroyed by fire, &c., ---	25th March 1858.	64
Relative to the verification of legal documents which may be susceptible of use as evidence beyond the jurisdiction of the authority, attesting the same,...	25th March 1858.	75
Pointing out course to be pursued by the Mofussil Courts in the attachment of money in the custody of the Sheriff of Calcutta, ...	25th March 1858.	*ib.*
Extending to these Provinces, Circular Order issued by the Calcutta Court, dated 29th October 1857, and direct that the instructions contained therein be carefully followed in the investigation of all offences, ...	25th March 1858.	76
Directing the Zillah Judges, North Western Provinces, to decide all suits in which the Government are party, connected with private claims to confiscated property, ...	20th July 1858.	77
Calls attention to Circular Orders No. 53, dated 30th August 1854, and No. 78, dated 19th May 1855, in regard to the mode of drawing up petitions of special appeals, ...	2nd August 1858.	*ib.*
Calls attention to Circular Order of Sudder Board, dated 13th instant, relative to claims of refunds of deposits in Treasuries, plundered during the mutinies, ...	27th December 1858.	78

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY & NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1858.

CIRCULAR No. 3.—*From* H. W. DASHWOOD, *Esquire, Register of the Sudder Dewanny and Nizamut Adawlut, North Western Provinces, to the Civil and Sessions Judges in the North Western Provinces, Saugor and Nerbudda Territories, and Commissioner of Kumaon. Dated Agra, the* 2*nd March* 1858.

I AM directed to transmit for your information, the accompanying copy of a letter No. 1280, dated the 11th August 1857, from the Officiating Under-Secretary to the Government of India, Home Department, to the Officiating Secretary to Government, North Western Provinces, and to desire that you will be guided by the rule therein laid down in your communications with the Sudder Court.

No. 1280.—*From* R. B. CHAPMAN, *Esquire, Officiating Under-Secretary to the Government of India, to* C. B. THORNHILL, *Esquire, Officiating Secretary to Government, North Western Provinces.—Home Department, (Judicial). Dated Fort William,* 11*th August* 1857.

IN a recent despatch, addressed by the Hon'ble the Court of Directors, to the Government of Bombay, No. 8 of 1857, dated the 17th June, the Hon'ble Court adverting to certain communications which passed between the Sudder Court at the Presidency and a Zillah Judge, remark as follows:—

2*nd*.—"We are of opinion that as a general rule, proceedings which accompany "precepts and returns to precepts, should be strictly limited to matters of a judicial "character, in connection with the case to which such proceedings immediately refer, and "that extra judicial matters should form the subject of separate correspondence. We de-"sire that a rule to the above effect may be adopted by the Sudder Court, and circulated "for the guidance of the district authorities."

3*rd*.—I am directed to request that, with the permission of the Hon'ble the Lieutenant Governor, the foregoing remarks may be communicated to the Sudder Court at Agra, with a suggestion that a rule, to the above effect, may also be adopted by that Court.

CIRCULAR No. 5.—*From* H. W. DASHWOOD, *Esquire, Register of the Sudder Dewanny Adawlut, North Western Provinces, to the Civil Authorities in the North Western Provinces. Dated Agra, the 25th March* 1858.

THE Court are pleased to call the attention of the Courts subordinate to them to Construction No. 896, enjoining the "mode of proceeding on the records of a Moonsiff's Court having been destroyed by fire," the principle of which they consider applicable to the Courts in these Provinces, of which the records have been destroyed during the recent disturbances.

2.—In regard to cases pending at the time of the destruction of the records, it appears advisable to the Court that, instead of furnishing stamp paper to the parties, as was done in the instance referred to in the Construction, they should be allowed to file duplicates of their pleadings on plain paper, when the Court may be satisfied, on due enquiry, that the originals were filed on stamp paper when so required by law. Copies of deeds, depositions and other exhibits ascertained to have been duly filed, should likewise be accepted on plain paper and admitted as proof, subject to the general laws, which govern the admission of secondary evidence.

3.—The Court are of opinion that the first point to which the attention of the Judges should be directed is the preparation of lists of cases pending in their Courts at the time of the outbreak, and the present state of the record where any part of it has been saved. Where the yad dasht and register buhees have been preserved, there will be no difficulty in ascertaining the state of the files, and the point to which the proceedings in each case had advanced. In the absence of these records, the vakeels should be called on to supply lists of the cases in which they were concerned, and notice might also be given for parties to come forward with such information as they may possess. Periodical statements, when forthcoming, will afford data for checking the lists.

4.—It will be necessary to take up only such cases as the plaintiff (or appellant) desires to proceed with, and should he fail to proceed with his case within six weeks after issue of notice, he should be considered in default. When parties are represented by vakeels in attendance on the Courts, no further notice need be served. Where the vakeel's office has been vacated, or his absence is likely to be of long duration, the provisions of Regulation XXVII. of 1814, Section 18, Clause 1, should be attended to. A new register should be opened for cases thus brought on the file. Parties not wishing to proceed with their suits under these rules, are of course at liberty to institute their suits *de novo* under the general Regulations.

5.—All copies tendered on plain paper on the alleged ground of the destruction of the original among the Court's records, should be attested by the parties filing them or their vakeels, and, in event of any objection being offered to the genuineness of the paper, the point must be decided by the Judge on such evidence as may be available. In addition to the sources of information referred to in the Construction, the Judge has authority, under the provisions of Act XIX. of 1853, to examine the parties to the suit and to call for the production of any documents, the existence of which may be disclosed.

6.—Cases in which a decision was passed shortly before the outbreak, of which no authenticated copy is available, should be treated as directed in the Construction, viz. a new decree reciting the nature of the decision as ascertained from enquiries from the vakeels and office memoranda and copies in the possession of either party should be drawn up, and, where practicable, the grounds of the original order should be stated. In the Moonsiffs' Courts a copy should be delivered or tendered to the parties according to the usual practice. In the Courts of the Sudder Ameens and Principal Sudder Ameens, parties requiring copies must supply the necessary stamped paper. This new decree will constitute the record of the decision, and be appealable under the rules which govern the admission of appeals.

7.—In the application of the above rules care must be taken that the Government are not defrauded of their stamp revenue; attempted frauds and false evidence given in support of such attempts should be criminally prosecuted.

8.—The Court's Circular, No. 130, of the 2nd December last, indicates the course to be followed by Judges and Principal Sudder Ameens in regard to appeals from their decisions, which may have been filed in the Zillah, but not certified to this Court before the interruption of business. The course pointed out in paragraphs 2 and 3 of that order applies equally to appeals which were pending in the Zillah Courts at the outbreak. The Judge should, in cases in which the record has been lost, call on the parties or their vakeels, to file such evidence as they may possess or be able to point out, and if they wish it, he should re-examine the witnesses, whose depositions have already been taken, doing all in his power to supply the lost record. In most cases it will be found that the vakeels, are able to supply from copies in their possession the essential parts of the record, but where neither party possesses transcripts, the vakeels, in communication with each other when they can agree, should draw up an abstract statement in the form of a "case stated," setting forth the leading facts of the case and the points at issue, on which the decision of the Appellate Court is required.

9.—With reference to appeals which may be presented to the Zillah Courts from decisions passed before the outbreak, but of which the period allowed by law expired during the interregnum, the Court observe that, by Act XXV. of 1837, Section 9, an Appellate Court is vested with discretionary power to receive an appeal from a decision of a Principal Sudder Ameen, presented after expiry of the period of thirty days, "provided it shall be proved that the appellant was prevented by circumstances beyond his control from presenting his appeal within the abovementiond period." A liberal construction of this rule in favor of parties using reasonable diligence in preferring their appeals after the restoration of order and resumption of regular business in the district will afford a sufficiently large remedy in cases of appeal from decisions of Principal Sudder Ameens. But it has been ruled by both the Presidency and Western Courts that an appeal from a decision of a Sudder Ameen or Moonsiff cannot be legally received after the expiry of the 30 days allowed by Act VII. of 1832, Clause 3, Section 11. calculated on the principle indicated in the Circular Order of the 11th June 1845. It may be a question whether, on the general principle, that the law disclaims all intention of compelling to impossibilities, this stringent rule would apply to cases in which parties were debarred from preferring their appeals in consequence of the stoppage of business in the Courts, but the subject is believed to be open to doubt. It is, therefore, the intention of the Court to apply to the Legislature for a Bill to legalize the reception and hearing of such cases.

10.—In the meantime the Court would apply to cases of the above nature the rule contained in their Circular Order of the 2nd December last, No. 130, that the period during which no regular business was transacted in the Courts, should not be taken into account. Cases coming under the above rule should, for the present, be retained on the file until a Bill be passed by the Legislative Council. The same rule will also apply to original suits for the institution of which a specific period has been fixed without a proviso for extending the same under special circumstances; as for instance, suits to contest awards of the Revenue authorities limited by Act XIII. of 1848, to three years; regular suits to contest summary decisions of Collectors which, by the provisions of Regulation VIII. of 1831, Section 6, must be preferred within one year from date of delivery, or tender of Collector's decision, and suits to reverse sales for arrears of revenue, which must be instituted under Act I. of 1845, Section 24, within one year from the date of the sale becoming final.

11.—Miscellaneous suits and appeals should be governed generally by the same rules; but no process of immediate execution should be issued on a decree, execution of which had not been previously taken out by the decree holder, without calling on the defendant, under the provisions of Regulation XXVI. of 1814, Section 15, Clause 8, to

shew cause, unless, on a reference to the original decree, or a certified copy of it, the absence of any circumstances rendering such a course expedient should be apparent.

12.—In conclusion, the Court observe that it is impossible to lay down detailed rules to meet every description of case which may occur. They have laid down general rules and expect the Zillah Judges to exercise their own judgment in applying them practically, bearing in mind that the object of the rules is to give facility to parties, acting in good faith, to restore their cases to their pristine condition, guarding, at the same time, against fraudulent abuses, which are likely to be attempted unless due caution be observed.

13.—For easy reference, a copy and translation of Construction No. 896, is herewith circulated, together with a translation of this Circular Order.

CONSTRUCTION No. 896.—*From the Judge of Zillah Moradabad, to the Register of the Sudder Dewanny Adawlut. Dated Western Provinces, the 29th April* 1833.

No. 896.

Mode of proceeding on the records of a Moonsiff's Court, having been destroyed by fire.

I do myself the honor to acknowledge the receipt of your letter of the 15th ultimo, together with a copy of a letter from the Secretary to Government, dated the 23rd February, authorizing me to procure from the Collector's office and furnish the parties, in the nineteen cases destroyed by fire in the Moonsiff's office at Rajpoorah, with stamped paper to enable them to institute their suits anew, free of expense.

2.—The orders of Government will be attended to in this respect; but I beg to state that the whole of the papers in the eleven decided cases, noticed in the 8th paragraph of your letter, were reported by me to have been also burnt with the recorded decisions of the Moonsiff—in all thirty cases.

3.—As I conceive the object of Government is to enable the parties to sue again without a repetition of expense, I conclude that the persons interested in the thirty cases were all intended to have been included in the indulgence; but I take the precaution, as nineteen cases were only specified in the letter of the Secretary, to solicit the orders of the Court.

From the Register of the Western Provinces, to the Judge of Zillah Moradabad, dated the 10th May 1833.

I am directed by the Court to acknowledge the receipt of your letter of the 29th ultimo, in reply to the Court's orders of the 15th.

2.—With regard to the eleven suits in which a decision has been already passed, the Court deem it desirable, that every means should be tried of ascertaining the nature of the judgment already passed, previous to the adoption of any further measures which would be attended with much inconvenience; you will be pleased therefore to make strict enquiry among the parties and their vakeels, the Moonsiff himself and the books of his office, for a copy or notes containing the substance of the decree. If such should be obtainable, the Moonsiff would be enabled from them to draw up another decree. It would also be advisable, where such documents are not to be found, that the parties and vakeels be questioned as to the nature of the decree passed. If they agree on this point, the Moonsiff may draw up his decree from their statement. If, after every method has been tried, some cases should still remain, regarding the judgment in which no information can be obtained or any doubt may remain, you will be pleased to report specially to this Court regarding them, stating fully the measures which you have adopted ineffectually with the view to discover the contents of the decree.

From the Judge of Zillah Moradabad, to the Register of the Western Provinces, dated

23rd July 1834.

With reference to my letter of the 12th January, your letter of the 13th March, my letter of the 29th April, and your reply of the 10th May 1833, I do myself the honor to state, that of the eleven plaintiffs in the eleven cases decided, the records of which were burnt in the Cutcherry of the Moonsiff of Rajpoorah, one plaintiff only, a bunyah named Hera Lall, who had obtained a decree for 129 rupees, half-anna, has come forward to solicit that he may be permitted to institute a suit anew, or enforce the decree already obtained.

2.—On his presenting a petition to that effect, I directed the defendant to attend, with a view to making the sort of enquiry pointed out in your letter of the 10th May 1833. One defendant is dead: the other, his son, states that the case was at issue between his father, who is dead, and the plaintiff rather than with himself, that the demand was an unjust one, and that it was his intention to have appealed against the decision, when the papers being burnt, and he having no copy of the decree, he was unable to do so.

3.—This defendant was supposed with his father to have made the attack on the Cutcherry of the Moonsiff, and to have burnt the records; they were tried on the charge by the Magistrate of Suheswan, but acquitted.

4.—Of the eleven cases alluded to in my letter as decided, decrees had been passed in six; in two cases the amount decreed has been realized by the parties; in one the plaintiff holds the decree, a copy of which he has obtained; in two cases the parties have not appeared though notice was served on them: in the case of Hera Lall, *versus* Kurreem-oolla and Sums-ood-deen, I beg to be favored with the orders of the Court. A copy of my proceeding of the 14th ultimo is herewith forwarded.

From the Register of the Western Provinces, to the Judge of Zillah Moradabad.

Dated 8th August 1834.

I am directed by the Court to acknowledge the receipt of your letter of the 23rd ultimo, regarding the records of the Moonsiff's office, destroyed by fire in August 1832.

2.—With regard to the case of Heera Lall *versus* Kurreem-oolla and another, the Court conclude that no note or memorandum of the Moonsiff's decision has been found, and that your present reference is made in pursuance of the Court's orders of the 10th May 1833; previous, however, to passing further orders, the Court request that you will ascertain and state for their information the date of the decree in question, for the purpose of determining whether the period of appeal had elapsed previous to the occurrence.

From the Judge of Zillah Moradabad, to the Register of the Sudder Dewanny Adawlut.

Dated Western Provinces, the 25th August 1834.

I do myself the honor to acknowledge the receipt of your letter of the 8th instant, relative to the case of Heera Lall *versus* Kureem-oolla and others, the records of which were destroyed by fire in the office of the Moonsiff of Rajpoorah in August 1832.

2.—In reply I beg to state, that I had ascertained that there were no notes of the case in question or memorandum of the Moonsiff; that a decree was passed in favor of the plaintiff, appears only by a list furnished after the occurrence from a memorandum which was in the hands of a vakeel of the Moonsiff's Court: the decree was passed on

the 25th August, and the attack on the Cutcherry of the Moonsiff was made on the 29th of the same month; four days therefore had only elapsed from the date of the decree when the papers were destroyed.

To the Judge of Zillah Moradabad. Dated 5th September 1834.

I am directed by the Court to acknowledge the receipt of your letter of the 25th ultimo, in reply to the Court's order of the 8th of the same month.

2.—As it appears that a decision was actually passed by the Moonsiff in the case in question in favor of the plaintiff, you will be pleased to cause the Moonsiff to draw up a decree to that effect, and having duly attested it, to deliver copies to the parties agreeably to the regular practice of the Court It will be unnecessary and probably impracticable to mention the grounds of the decision, but if the Moonsiff is able to do so, there is no objection to his recording them.

Any party considering himself aggrieved by the decision, will be left to seek redress by appeal.

The Presidency Court, on the 3rd October 1834, concurred in this Construction· September 5th 1834.

(True Copy,)

H. W. DASHWOOD, *Register.*

سرکلر نمبر ۵ بابت سنه ۱۸۵۸ع

مصدورہ عدالت دیواني صدر ممالک مغربي

مورخه ۲۵ مارچ سنه ۱۸۵۸ع

به اجلاس آربي مارگن صاحب حاکم اور آرمني صاحب قائم‌مقام حاکم دیواني ممالک مغربي مکتوب‌الیهم

دفعه ۱ حکام صدر جمله عدالت‌هاے ماتحت اپني کو واسطے متوجهه هونے طرف مضامین کنسٹرکشن نمبر ۸۹۶ کے ایماے فرماتے هیں اور اُس کنسٹرکشن میں بابت طریقه کارروائي حاکم عدالت بر وقت سوختگي کاغذات دفتر منصفي کے جو حکم سابق صدور پایا تها اُسکا ذکر هی پس اُصول اُسي حکم کے ممالک مغربي کے جمله محکمه‌جات سے جهاں به باعث غدر حال کے کاغذات دفتر سوخت هو گئے هیں متعلق متصور هیں *

دفعه ۲ نسبت اُن مقدمات کے جو بر وقت سوختگي امسال کے دائر عدالت تهے مناسب معلوم هوتا هی که بجاے عطاے کاغذ اِسٹامپ جدید کے فریقین کو جس طرح مقدمه متذکره کنسٹرکشن محوله بالا میں دیا گیا تها متخاصمین کو اجازت دیني چاهیئے که جن مقدموں میں حاکم عدالت کو اطمینان کلي هووے که کاغذات پلیڈنگس سابق اُوپر اِسٹامپ کامل‌القیمت حسب منشاء قانون کے داخل هوئے تهے اُن مقدموں میں مثلی اُنهیں کاغذات پلیڈنگس کا داخل کریں علی‌هذاالقیاس جب حاکم کو بسبب پیشتر داخل هونے وثائق اور اظهارات وغیره دستاویزات ثبوت کے تشفي کامل هووے تو مثلی اُن دستاویزات کا ساده کاغذ پر لیکر به پابندي قوانین عام متعلقه منظوري ثبوت تحریري کے بطور وجهه ثبوت مقدمه کے پذیرا فرمایں *

دفعه ۳ حکام فرماتے هیں که مقدم امر لائق توجهه فرمائي حاکمان دیوانی کے یهه هی که فهرست اُن مقدمات کي جو بر وقت وقوع غدر اُنکے محکموں میں دائر تهے مع کیفیت اِس بات

کے کہ منجملہ امسال کے کس مقدمہ کے کس قدر کاغذات سوخت نہیں ہوئے طیار کی جاوے اور جس محکمہ میں بہی یادداشت اور رجسٹر بہی سوخت نہوئی ہوں اُن میں اِس امر کا دریافت کرنا مشکل نہوگا کہ ترتیب مسل کی کہاں تک پہنچی تہی اور کس قدر کاغذات و روبکار وغیرہ شامل مسل مقدمہ ہو چکے تہے اور اگر بہی جات مذکورہ سوخت ہو گئی ہوں تو چاہیئے کہ وکلاے متخاصمین سے فہرست اُن مقدمات کی جو اُنکی وکالت میں دائر تہے طلب کر کے اہل معاملہ کو بذریعہ اشتہار کے ہدایت ہووے کہ جو کچہہ کاغذات اُنکے پاس موجود ہوں حاضر کریں اور جب نقشہ ماسکہار دستیاب ہو سکے تو اُس سے مقابلہ اور پڑتال فہرست مذکورہ کی ممکن ہی *

دفعہ ۴ منجملہ مقدمات متعلقہ بالا کے صرف اُن مقدموں کی طرف متوجہہ ہونا چاہیئے جنکی پیروی مدعی خواہ اپیلانٹ کو منظور ہووے اگر مدعی یا اپیلانٹ بعد اجراے اشتہار کے عرصہ چہہ ہفتہ تک اُسکی پیروی نہ کرے تو مقدمہ عدم پیروی میں خارج کیا جاویگا اور جن مقدموں میں جانب متخاصمین سے وکیل مقرر ہوکر عدالت میں حاضر ہوویں اُن میں اجراے اطلاعنامہ کی ضرورت نہوگی اور جنمیں وکیل موقوف ہوا ہووے یا وکیل کے عرصہ دراز تک غیرحاضر رہنے کا ظن غالب ہووے اُنمیں شرائط دفعہ ۱۸ ضمن ۱ قانون ۲۷ سنہ ۱۸۱۴ع کی پابندی چاہیئے اور چاہیئے کہ رجسٹر جدید مقدمات جو حسب مشرحہ بالا از سر نو فہرست پر قائم ہووین ترتیب پاوے اور جس فریق کو بموجب قواعد متذکرہ کے عمل کرنا منظور نہووے اُسکو اختیار ہی کہ اپنا دعوی از سر نو بموجب قوانین عام کے عدالت میں پیش کرے *

دفعہ ۵ جب کوئی فریق کاغذات مثنی سادہ کاغذ پر اس بیان کے ساتہہ داخل کرے کہ اصل دستاویزات موجودہ مسل کاغذات دفتر کے ساتہہ سوخت ہو گئی ہیں تو مثنی مذکور پر دستخط اُس فریق یا اُسکے وکیل کے بطور تصدیق ضرور ثبت ہوا کرینگے اور اگر طرف ثانی اُسکی صحت اور اصلیت پر اعتراض کرے تو حاکم عدالت از روے ثبوت موجودہ جو کچہہ دستیاب ہو سکے اُس امر کی تنقیح کر دیگا بلکہ علاوہ سامان ثبوت اور تحقیقات محکومہ کنسٹرکشن مذکور کے حاکم عدالت کو اختیار ہی کہ بموجب ایکٹ ۱۹ سنہ ۱۸۵۳ع فریق مقدمہ کو طلب کر کے اُنکا اظہار لیوے اور جن دستاویزات کا اُنکے پاس موجود ہونا متحقق ہووے اُنسے پیش کراوے *

دفعہ ۶ جن مقدموں میں بہورے روز قبل وقوع عذر کے فیصلہ تحریر پا چکا ہو اور نقل مصدقہ اُس فیصلہ کی دستیاب نہو سکے اُن میں بموجب ہدایت کنسٹرکشن محولہ بالا کے عمل کرنا چاہیئے یعنی فیصلہ جدید باندراج شرح تحریر سابق جس قدر وکلاء فریقین اور پرچہاے یادداشت موجودہ دفتر سے یا باعانت نقول منجملہ سی فریق یا فریقین کے دریافت ہو سکے طیار کیا جاوے اور مناسب ہی کہ جب ممکن ہووے وجوہ حکم سابق کی اسمیں درج ہوا کریں پس واضح ہو کہ محکمہ منصفی میں نقل سادہ فیصلہ جات تو طیار شدہ کی فریق طالب کو حسب معمول دی جاوینگی یا اُسکی طیاری سے اُسکو اطلاع دی جاویگی اور محکمہ جات صدرامینی اور صدرالصدوری میں فریق طالب کو لازم ہوگا کہ کاغذ اِسٹامپ واسطے حصول نقل کے داخل کرے پس وہ ڈگریات تو طیار شدہ بمنزلہ فیصلہ اخیر کے مؤثر اور مستحکم ہونگی اور اُنکی ناراضی سے بموجب قواعد عام متعلقہ اپیل کے اپیل کرنا جائز ہوگا *

دفعہ ۷ بر وقت تعمیل قواعد مذکورہ صدر کے لحاظ اس بات کا چاہیئے کہ سرکار کی رسوم اِسٹامپ میں فریب اور نقصان نہووے اور جو کوئی شخص فریب کا قصد کریگا اور اُس قصد کو دروغ حلفی سے تقویت دیویگا وہ مجرم فوجداری قرار پاکر ماخوذ کیا جائیگا *

دفعہ ۸ اِس عدالت کے سرکلر نمبر ۱۳۶ مصدورہ ۲ دسمبر سنہ ۱۸۵۷ع میں ہدایت ہی کہ صاحبان جج صلع اور صدرالصدور اُن مقدمات اپیل میں جو اُنکے فیصلہ کي ناراضي سے صلع میں داخل ہوکر قبل درخاستگي کارو بار دیواني کے بذریعہ سارٹیفکیٹ معمولي کے عدالت صدر میں نہیں بھیج سکے کیونکہ کاربند ہونگے اُس سرکلر کي دوسري اور تیسري دفعہ میں جس طریقہ عمل کي ہدایت ہی وہ اُن اپیلوں سے بھي متعلق سمجھا جاویگا جو بایام عدر محکمہجات صلع میں دائر تھیں اور جن مقدمات میں تمام مثل سوجت ہو گئي ہو صاحبان جج کو چاہئے کہ مدعیں جواب اُنکے وکلاء کو واسطے داخل کرنے ثبوت موجودہ جس قدر اُنکے پاس نکلے یا جسکا وہ نشان دے سکیں حکم فرمایا کریں یا اگر مدعیں جواب وکلاء کو محدداً اظہار لینا کسي گواہ کا جسکا بیان پہلے ملمدد ہو چکا ہی منظور ہووے تو اظہار جدید لینے میں تامل نکریں بلکہ حتی‌الوسع واسطے رفع پیدا کرنے مثل سوجت شدہ کے سعي بلیغ فرماویں اور اکثر ممکن ہوگا کہ بقول عمدہ کاغذات مثل کي وکلاء فریقین سے دستیاب ہو سکیں اِلا جب کسي فریق کے پاس بقول مذکورہ موجود نہووے اُس وقت مناسب ہوگا کہ وکلاء آپس میں مشورہ کر کے فرصامدي یکدیگر یک پرچہ بطور خلاصہ مقدمہ بانداراج خلاصہ جملہ مراتب عمدہ اور اُمور متنازعہ فیہ جو محتاج بہ تحریر حاکم اپیل کے ہوں طیار کر کے پیش کریں *

دفعہ ۹ بسمت اُن اپیلوں کے جو بناراضي ایسے احکام حاکمان اضعر مصدورہ ایام ماقبل عدر

کے تحتي میعاد اپیل دوراں عدر میں منقضي ہو گئي تھي محکمہجات ضلع میں داخل کي جاویں حکام کي یہہ راے ہی کہ بموجب دفعہ ۹ ایکٹ ۲۵ سنہ ۱۸۳۷ع حاکم اپیل کو اختیار منظوري اُس اپیل کا جو بعد انقضاے ایام تیس روز بناراضي فیصلہ صدرالصدور کے اُنکے محکمہ میں گذرے اُس صورت میں حاصل ہی جب موجبہ موجبہ ثابت کیا جاوے کہ اپیلانٹ بناعث ایسے موانع کے جو اُسکے احاطہ اختیار سے باہر تھے اندر میعاد قانون کے اپیل کرنے سے معذور رہا پس مناسب ہی کہ جب فاعدہ بالا کو اُن اہل معاملوں سے متعلق کرنا منظور ہووے جنھوں نے بعد درستي انتظام اور پھر جاري ہونے کام دیواني کے صلع میں بیچ ادخال اپیل اپني کے سعي بلیغ کي ہو اُصول فاعدہ کو وسعت دي جاوے کیونکہ اُصول کو وسعت دینے سے جو نقص انقضاے میعاد کا اُن اپیلوں میں بھي پایا جاتا ہی جو بناراضي فیصلہ‌جات صدرالصدوروں کے محکمہ جتھي میں پیش ہوں تحریري رفع ہو سکتا ہی اور اگرچہ عدالتیں عرضي اور عرضی کي اتفاق راے سے یہہ تحریر قرار پا چکي ہی کہ بعد انقضاے تیس روز متذکرہ میں ۳ دفعہ ۱۱ ایکٹ ۷ سنہ ۱۸۳۲ع کہ طریقہ اُسکي محسوبی کا سرکلر صد عربي مورخہ ۱۱ جون سنہ ۱۸۴۵ع سے واضح ہی ہرگز اپیل اپیلانٹ کا جو بناراضي فیصلہ صدراسں یا منصف کے محکمہ صلع میں گذرے قانوناً قابل سماعت کے نہوگا لیکن جس صورت میں یہہ قاعدہ کلیہ مسلمہ طبع عوام ہی کہ کسي قانون کا یہہ منشاء نہیں ہی کہ جس شی کا وجود امکان سے باہر ہووے بلا ظہور اُسکے کے حق رسي حقدار کي نہوا کرے ماء علیہ ہمور یہہ بات مباحثہ طلب ہی کہ ایا وہ شرائط شدید جو ضمن اور دفعہ بالا میں مندرج ہیں اُس مقدمات سے متعلق ہو سکتي ہیں یا نہیں جن میں بساعت درخاستگي کار دواني کے اپیلانٹاں اپني اپیل کے داخل کرنے سے عاجز تھے پس ارادہ حکام یہہ ہی کہ بخدمت صاحبان کونسل سائمس آئیں مقام کلکتہ درخواست اس بات کي بھیجي جاوے کہ بہ تحریر صاحبان مذکور قانون حدید مشعر عطاے اجازت ادخال اور سماعت اپیل‌ہاے قسم مذکورہ کے نفاذ پاوے *

دفعہ ۱۰ پس تا نفاذ قانون حدید کے مناسب ہی کہ احکام سرکلر مورخہ ۲ دسمبر سنہ ۱۸۵۷ع نمبر ۱۳۶ کے مقدمات قسم مذکورہ سے متعلق ہوتے رہیں اور وہ یہہ ہیں کہ جن ایام

میں کارخانہ عدالت دیواني کا مسدود رہا وہ ایام میعاد اپیل میں محسوب نہوویں اور جن مقدمات سے احکام مذکور متعلق ہو سکیں اُنکو تا نفاذ قانون حدید کے نمبر سابق پر قائم رکھنا چاہیئے بلکہ وہ احکام اُس شکل کے مقدمات سے بھي متعلق ہوے کے قابل ہیں جن میں قانون کي رو سے قید ہی کہ مدعي اِس قدر عرصہ میں نالش کرے اور حاکم عدالت کو کچھہ اختیار نسبت بڑھانے میعاد مقررہ کے کسي شرائط سے حاصل نہیں ہی مثلاً نالش تسبیح احکام صاحبان بندوبست جس میں بموجب ایکٹ ۱۳ سنہ ۱۸۴۸ع تس برس کي میعاد مقرر ہی اور نالش نمبري درخواست باجوازي حکم سرسري صاحب کلکٹر کے جس میں بموجب شرائط دفعہ ۶ قانون ۸ سنہ ۱۸۳۱ع مدعي کو لازم ہی کہ تاریخ حاصل کرے یا اطلاعیاني طباري فیصلہ حاکم مال سے ایک سال کے اندر نالش کرے اور نالش استرداد قبلم علت بقایاے مالگذاري جس میں مطابق دفعہ ۲۳ ایکٹ ۱ سنہ ۱۸۴۵ع مستغیث پر واجب ہی کہ تاریخ ناطق ہو جاے قبلم سے ایک سال کے اندر نالش دیواني کرے *

دفعہ ۱۱ قواعد مذکورہ بالا علی العموم مقدمات اور اپیلہاے متعرقات سے بھي متعلق کیئے جائینگے مگر جس مقدمہ میں ڈگریدار نے پہلے ڈگري جاري نہیں کرائي ہو اُس میں حکمنامہ مدین مراد کہ فوراً اجراے ڈگري ہووے بلا اجراء اشتہار ضابطہ بنام مدیون بموجب ضمن ۸ دفعہ ۱۵ آئین ۲۶ سنہ ۱۸۱۴ع جاري نہیں کرنا چاہیئے اِلا اِس صورت میں کہ بضابطہ اصل ڈگري یا نقل مصدقہ ڈگري مشمولہ درخواست کے جاري کرنا اطلاعنامہ کا بنام مدیون کسي وجہہ سے غیر ضروري معلوم ہووے *

دفعہ ۱۲ الحاصل حکام فرماتے ہیں کہ ترتیب دینا ایسے قواعد مفصل کا جو مقدمات مذکورہ کے جملہ اقسام مختلفہ پر حاوي اور محیط ہوویں امر محال ہی اور جو سرکلر ہذا میں چند ہدایات عام قلمبند ہوئي ہیں اُنسے یہي عرض ہی کہ صاحبان جج ضلع جسنا موقع دیکھیں حسب اقتضاے راے اپني عمل فرماتے رہیں اور اِس بات کا لحاظ کریں کہ قواعد مذکورہ سے مقصود اصلي یہي ہی کہ جس قدر اہل معاملہ بہ ارادہ نیک نیتي عدالت دیواني سے اپني حق رسي چاہیں اُنکے مقدمات از سر نو قائم اور مرتب ہوکر بتحقیقات اصلي طی پاتے رہیں اور کمال احتیاط رکھیں کہ کوئي طریق کسي چالاکي یا فریب سے جسکا ظہور قرین قیاس ہی اپني مطلب برآري نکرنے پاوے *

دفعہ ۱۳ واسطے رفع نکات نالش کے ایک ایک پرت نقل اور ترجمہ کنسترکشن نمبر ۸۹۷ معہ ترجمہ اِس سرکلر کے بخدمت صاحبان مکتوب الیہم لف سرکلر ہذا ارسال پذیر ہیں *

ترجمہ کنستوکشن نمبر ۸۹۶ مورخہ ۵ ستمبر سنہ ۱۸۳۴ع

صاحب جج ضلع مرادآباد کانب

بنام

صاحب رجسٹر عدالت دیواني صدر عربي مکتوب الیہ

مورخہ ۲۹ اپریل سنہ ۱۸۳۳ع

دفعہ ۱ آپ کي چٹھي مورخہ ۱۵ ماہ گذشتہ معہ نقل چٹھي نوشتہ صاحب سکرٹر گورنمنٹ مورخہ ۲۳ فروري سنہ ۱۸۳۳ع بدیں عبارت کہ آپ کو اختیار ہی کہ ۱۹ مقدمات سرحت شدہ

متعلقه کچهری منصفي راج‌پوره میں کاغذات اِسٹامپ دفتر کلکٹري سے حاصل کر کے اهالیان مقدمه کو اِس غرض سے عنایت کریں که وے بلا ریزیاري خرچه جدید کے اپنے مقدمات کو از سر نو عدالت میں رجوع کریں پهنچي سرفراز کیا *

دفعه ۲ تعمیل حکم گورنمنٹ کي جو اِس ماده میں صدور پایا هی هوگي الا آپ کو لحاظ رهے که جو ذکر گیاره مقدمات کا آپ کي چٹهي کي دفعه ۸ میں مندرج هی هم اپني رپورٹ میں لکهه چکے هیں که سواے مقدمات مفصله منصفي کے کل کاغذات اُن گیارهوں مقدموں کے بهي سوخت هو گئے هیں یعني کل بیس مقدمے اِس سے ضائع هو گئے *

دفعه ۳ جو منشاء گورنمنٹ یهه معلوم هوتا هی که متخاصمین کو بلا ریزیاري خرچه جدید کے سهولت ارجاع مقدمه جدید کي هووے لهذا هماري دانست میں اُن بیسوں مقدمات میں جمله اهل معامله مستحق رعایت مذکوره بالا کے هیں لیکن بلحاظ اسکے که چٹهي گورنمنٹ میں صرف اُنیس مقدموں کا ذکر هی لهذا اِس چٹهي کا بغرض صدور حکم خاص حکام صدر کے ضرور پڑا *

صاحب رجسٹر عدالت دیواني صدر عربي کاتب

بنام

صاحب جج ضلع مرادآباد مکتوب‌الیه

مورخه ۱۰ مئي سنه ۱۸۳۳ع

دفعه ۱ آپ کي چٹهي مورخه ۲۹ ماه گذشته بجواب احکام صدر مورخه ۱۵ مارچ سنه حال کے پهنچي *

دفعه ۲ نسبت اُن گیاره مقدمات کے جس میں فیصله تحریر پا چکا هی حکام کے نزدیک بسعي تمام اِس امر کا دریافت کرنا ضروریات سے هی که اُن میں کس شرح کے ساتهه تجویز لکهي گئي تهي اور بالفعل اَوْر کسي طرح پر عمل کرنا موجب قباحت عظیم کا هی پس آپ فریقین اور اُنکے وکلاء سے بشدت تمام تحقیقات کریں اور خود منصف اور اُسکے دفتر کي بهي‌جات سے دریافت کریں که کوئي پرچه یا اَوْر تحریر جس سے مضمون ڈگري کا پایا جاوے هی یا نهیں اور اگر ایسا کوئي پرچه دستیاب هو جاوے تو اُسکي مدد سے منصف دوسري ڈگري طیار کر لیگا اور اگر ایسا پرچه حاصل نهو سکے تو نسبت شرح تجویز مندرجه ڈگري کے فریقین اور وکلاء فریقین سے استفسار کرنا چاهئے اور اگر بیانات فریقین میں اختلاف هووے تو منصف بموجب اُنهیں بیانات کے ڈگري جدید طیار کرے اور اگر بعد استعمال هر تدبیر کے کوئي ایسا مقدمه باقي رهے جسکے فیصله کا حال مطلق دریافت نهو سکے یا اُسکي نسبت شبهه باقي رهے تو آپ کو چاهئے که اُسکي رپورٹ خاص مرسل کریں اور اُس رپورٹ میں مفصل لکهیں که واسطے دریافت شرح ڈگري کے کیا کیا تدبیر بلا حصول مطلب عمل میں آئي *

صاحب جج ضلع مرادآباد کاتب

بنام

صاحب رجسٹر عدالت دیواني صدر عربي مکتوب‌الیه

مورخه ۲۳ جولائي سنه ۱۸۳۴ع

دفعه ۱ بلحاظ چٹهي هماري مورخه ۱۲ جنوري اور چٹهي آپ کي مورخه ۱۳ مارچ اور چٹهي ثاني هماري مورخه ۲۹ اپریل اور چٹهي ثاني آپ کي مورخه ۱۰ مئي سنه ۱۸۳۳ع اب ملتمس

هوں کہ منجملہ مدعیان متعلق گیارہ مقدمات فیصل شدہ کے جنکے کاغذات کچہري منصفي راجپورہ میں سوخت ہو گئے ہے ایک مدعي نامي هیرالعل بتال کو ڈگري بتعداد ۲ پائي حاصل هوئي تهي سو وهي ایک مدعي واسطے داخل کرنے مقدمہ جدید کے خواہ جاري کرا پانے ڈگري محصولہ اپني کے اجازت پانے کي درخواست رکهتا هی *

دفعہ ۲ جب مدعي مذکور نے درخواست مشعر مضمون بالا داخل کی همنے بنظر تائم کرنے تحقیقات حسب الحکم چٹهي آپ کے مورخہ ۱۰ مئي سنہ ۱۸۳۳ع کے مدعاعلیهم کو واسطے حاضر هونے کے حکم دیا منجملہ انکے ایک مدعاعلیہ فوت کو گیا هی اور مدعاعلیہ ثانی جو متوفی کا بیٹا هی بیان کرتا هی کہ یہہ نزاع باهم مدعي اور پدر همارے کے هی همکو اُس سے کچهہ علاقہ نہیں اور مطالبہ مدعي بیجا هی اور هم اپیل کي فکر میں تهے کہ اُس اثناء میں کاغذات سوخت هو گئے اور جو نقل ڈگري میرے پاس نہ تهي لہذا میں اپیل کرنے سے عاجز رها *

دفعہ ۳ اُسي مدعاعلیہ کي نسبت شبہہ پیدا هوا تها کہ اُسنے بشمول پدر اپنے کے کچہري پر حملہ کر کے دفتر جلا دیا هوگا چنانچہ تحقیقات اُسکي بعلت اُسي جرم کے بحضور صاحب مجسٹریت ضلع سهسوان کے هوئي اِلا جرم ثابت نہوکر اُسے رهائي ملي *

دفعہ ۴ منجملہ مقدمات منفصلہ کے یعني گیارہ مقدمات متذکرہ چٹهي هماري کے چهہ مقدموں میں ڈگري هوئي تهي اُن میں سے دو مقدموں میں ڈگري‌دار کو روپیہ ڈگري کا وصول هو چکا هی اور ایک مقدمہ میں مدعي کو نقل ڈگري حاصل هو گئي هی اور دو مقدموں میں باوصف جاري هونے اطلاعنامہ کے اهل مقدمہ حاضر نہیں آئے اور نسبت مقدمہ هیرالعل مدعي بنام کریم‌الله اور شمس‌الدین مدعاعلیهم کے اُمیدوار هوں کہ حکم خاص صدر سے نفاذ پاوے اور نقل روبکاري اِس جانب کي مورخہ ۱۴ جون سنہ حال کي شامل چٹهي هذا آپ کي خدمت میں پہنچتي هی *

صاحب رجسٹر عدالت دیواني صدر غربي کاتب

بنام

صاحب جج ضلع مرادآباد مکتوب‌الیہ

مورخہ ۸ اگست سنہ ۱۸۳۴ع

دفعہ ۱ چٹهي آپ کي مورخہ ۲۳ ماہ گذشتہ مشعر حال امسال مقدمات جو بکچهري منصفي بماہ اگست سنہ ۱۸۳۴ع سوخت هو گئي تهیں پہنچي *

دفعہ ۲ نسبت مقدمہ هیرالعل مدعي بنام کریم‌الله وغیرہ مدعاعلیهم کے آپ کي چٹهي سے حکام کو معلوم هوتا هی کہ کوئي پرچہ یادداشت جس سے حال شرح تجویز منصف کي کهل سکے دستیاب نہیں هوا اور آپکا استفسار حال بموجب حکم اِس عدالت کے مورخہ ۱۰ مئي سنہ ۱۸۳۳ع حکام کي خدمت میں پہنچا هی لیکن قبل صدور حکم ثاني کے حکام کو یہہ بات منظور هی کہ آپ دریافت کر کے لکهہ بهیجیں کہ ڈگري مذکور کس تاریخ کو تحریر پائي تهي تا کہ حکام کو معلوم هووے کہ آیا قبل سوختگي دفتر کے میعاد اپیل کي منقضي هو گئي تهي یا باقي تهي *

صاحب جج ضلع مرادآباد کاتب

بنام

صاحب رجستر عدالت دیواني صدر عربي مکتوب الیه ،

مورخه ۲۵ اگست سنه ۱۸۳۴ع

دفعه ۱ چٹھي آپ کي مورخه ۸ ماه حال مشعر اطلاع ایماء حکام نسبت مقدمه هیرالعل مدعي بنام کریم الله وغیره مدعاعلیهم که مسل اُس مقدمه کي ماه اگست سنه ۱۸۳۲ع میں بشمول کاغذات دفتر کچهري منصفي راج پوره کے سوجت هو گئي تهي پهنچي سرانجام کیا *

دفعه ۲ بجواب استفسار آپ کے یهه التماس هی که هم پهلے سے دریافت کر چکے هیں که کوئي پرچه یا اَوْر تحریر یادداشت نوشته دست خاص منصف کي موجود نهیں هی اور صورت معلوم هوئے صدور دگري مذکور بحق مدعي کے یهه بهي که بعد سوجگي دفتر کے ایک شخص وکیل منصفي مذکور کے پاس ایک پرچه یادداشت موجود تها اُس سے دیکهکے مهرست طیار هوئي سو وه دگري ۲۵ اگست سنه ۱۸۳۲ع کو صادر هوئي تهي اور حمله کچهري منصفي پر اُسي مهینے کي اُنتیسویں کو هوا پس ظاهر هی که تاریخ صدور دگري سے اور سوجگي دفتر تک صرف چار روز کا عرصه گذرا تها *

صاحب رجستر عدالت دیواني کاتب

بنام

صاحب جج ضلع مرادآباد مکتوب الیه

مورخه ۵ ستمبر سنه ۱۸۳۴ع

دفعه ۱ چٹھي آپ کي مورخه ۲۵ ماه گذشته بجواب احکام عدالت هذا مورخه هشتم ماه مذکور کے پهنچي *

دفعه ۲ جو که معلوم هوتا هی که مقدمه مذکوره میں منصف نے في الحقیقت دگري بحق مدعي صادر کي لهذا آپ کو چاهیئے که دگري جدید باعاده مضمون سابق کے منصف سے لکهوا لیں اور بعد تصدیق کرلے کے بقول اُسکي حسب ضابطه عدالت متخاصمین کو عنایت فرمادیں اُس دگري جدید میں لکهنا وجوه فیصله کا ضرور نهیں بلکه اگر قصد لکهنے کا کیا جاوے تو شاید غیرممکن هو اِلا اگر منصف کو وجوه مذکوره یاد هووں تو اُنکے مندرج کرنے میں کچهه قباحت نهیں هی *

دفعه ۳ اگر کوئي شخص دگري مذکوره بالا سے ناراض هووے اُسکو اختیار هی که اپیل کرے فقط واضح هو که حکام عدالت صدر شرقي نے ۳ اکتوبر سنه ۱۸۳۴ع کنسٹوکشن مندرجه بالا میں اتفاق راے کي *

CIRCULAR No. 6.—*To the Civil Authorities in the North Western Provinces. Dated Agra, the 25th March* 1858.

THE Court are pleased to extend to these Provinces the following Circular Order, issued by the Calcutta Court, under date the 30th October 1857, relative to the verification of legal documents, which may be susceptible of use as evidence beyond the jurisdiction of the authority attesting the same.

(COPY.)

CIRCULAR No. 23.—*To the Civil Authorities in the Lower and Extra-Regulation Provinces. Dated Fort William, the 30th October* 1857.

AN instance having been brought to the notice of Government, where a party was put to unnecessary expense to recover interest on a Government Promissory Note by the authority of a certificate, granted under Act XX. of 1841, not bearing the signature of the Judge IN FULL. I am directed by the Court, in pursuance of the orders of Government, to request that you will pay every attention to form in the verification of legal documents which may be susceptible of use as evidence beyond the limit of your own jurisdiction.

CIRCULAR No. 7.—*To the Zillah Judges in the North Western Provinces. Dated Agra, the 25th March* 1858.

THE Court publish, for the information and guidance of the Zillah Judges, copy of an opinion delivered by the Advocate General, relative to the course to be pursued by the Mofussil Courts in the attachment of money, in the custody of the Sheriff of Calcutta.

(COPY.)

OPINION.—I do not think that the Sheriff of Calcutta can be properly called on by a Mofussil Court to pay over, or to hold in his hands, for the satisfaction of a decree of that Court, money realized by him in the execution of his duty as Sheriff. The proper course to adopt, in order to attach any sum remaining in the hands of the Sheriff, on account of a person against whom a decree has been obtained in one of the East India Company's Courts, is to issue the ordinary process of execution from that Court, to forward a copy authenticated as required by Act XXIII. of 1840 to Calcutta, to be presented to a Judge of the Supreme Court under that Act, to obtain his endorsement, and to deliver the writ to the Sheriff. The Sheriff will then be bound to execute the writ as if it had issued from the Supreme Court, and if he has any sum of money in his hands belonging to the debtor, and if no other writ in his hands is entitled to priority by reason of earlier delivery to him, he will be bound to make over the sum to the Mofussil Court, according to the direction of the writ.

(Signed) W. RITCHIE,

(True Copy.)

H. W. DASHWOOD, *Register.*

CIRCULAR No. 2.—*To the Criminal Authorities in the North Western Provinces, Saugor and Nerbudda Territories, and Kumaon. Dated Agra, the 25th March* 1858.

THE Court are pleased to extend to these Provinces the following Circular Order, issued by the Calcutta Court, under date the 29th October 1857, and to direct that the instructions contained therein be carefully followed in the investigation of all offences.

CIRCULAR No. 23.—*To the Magisterial Authorities in the Lower and Extra-Regulation Provinces. Dated Fort William, the 29th October* 1857.

THE Court have from time to time observed the great doubt that attaches to the identification of prisoners, tried on charges of affray or riot, in consequence of the careless mode in which they are designated, and described in the original information and depositions, upon which their arrest is founded. Ordinarily, the Court read merely a string of names which may be taken eventually to apply to any number of men, and little care is taken to extract from the persons examined either full or exact knowledge of the parties deposed to as being concerned in the offence under investigation. The indication of offenders is too much left to chance; too frequently care is not taken to exhaust the knowledge of prosecutors and witnesses, or to correct exaggeration as to number, or to check that loose manner of speaking by which, under an et cetera, witnesses reserve details which they should at once disclose. And what is equally objectionable, in most cases the Court find no precise orders recorded by the Magistrates, during the course of their first investigation, as to the parties whom it is their purpose to prosecute, and so chance also, rather than well-considered intention, seems to regulate arrests. Once the proceedings have come before the Magistrate, it is obviously proper that on consideration of the nature of the case and of the evidence, his order should be explicitly issued to the Police, naming those only whom he wished to arrest.

2*nd*.—Under these circumstances, the Court deem it necessary to issue the following instructions for the guidance of the Magisterial authorities :—

First.—That in all complaints and depositions recorded by the Magistrates, they shall be careful to ascertain such particulars of the parties accused as shall unmistakeably indicate the persons spoken of, giving the names of their fathers and of their place of residence; or failing these, some other particulars, which should, as far as possible, fix the indentity of each individual.

Secondly.—That Magistrates shall invariably record in one or in successive proceedings, if necessary, the names and description of those whom, not being already arrested, it is their purpose to prosecute for the offence in question.

Thirdly.—Magistrates shall direct their Police Officers to record the same particulars in all complaints and informations taken by them

3*rd*.—The Court direct me to add, that though the evils arising from an imperfect record of accusation, are most observable in those cases in which many persons are accused, and in which some being arrested earlier, some later, the final termination of the prosecution is much delayed, nevertheless the same instructions are generally applicable in the investigation of all offences.

(Signed) S. LUSHINGTON,
Officiating Register.

(True Copy.)

H. W. DASHWOOD,
Register.

CIRCULAR No. 15.—*From* H. W. DASHWOOD, *Esquire, Register of the Sudder Dewanny and Nizamut Adawlut, North Western Provinces, to the Zillah Judges in the North Western Provinces. Dated Agra, the 20th July* 1858.

UNDER instructions received from the Right Hon'ble the Governor General, the Court are pleased to direct, that you will call up from the files of the Courts subordinate to you, and retain in your own Court for decision, all suits in which Government are a party, connected with private claims to confiscated properties.

CIRCULAR No. 16.—*From* H. W. DASHWOOD, *Esquire, Register of the Sudder Dewanny and Nizamut Adawlut, North Western Provinces, to the Zillah Judges and Principal Sudder Ameens, North Western Provinces. Dated Agra, the 2nd August* 1858.

THE Court are pleased to call the attention of the lower appellate authorities to their Circular Orders of the Nos. and dates noted in the margin, and to direct that, the rules therein laid down, as to the mode of drawing up petitions of special appeal, be strictly adhered to.

No. 53, dated August 30th, 1854.
No. 78, dated May 19th, 1855.

2nd.—With advertence to the general destruction of the legal libraries in these Provinces, copies of the Circulars in question are subjoined for ready reference.

CIRCULAR No. 53.—*To the Civil Authorities in the North Western Provinces. Dated the 30th August* 1854.

The Court having found that numerous petitions of special appeal, forwarded by the *Zillah* Courts under the provisions of Section 5, Act No. XVI. of 1853, have been drawn up in entire disregard of the requirement of Section 6 of the same Act, prescribing, that each such petition "shall set forth concisely, and under distinct heads, "the grounds of objection to the decision appealed from, without any argument or "narrative;" and as the diffuse detail and exposition of facts and pleas on the merits, exhibited in many such petitions, besides being a contravention of the law most inconveniently and needlessly occupy the time of the Court, the attention of the District Officers is called to the following rule.

2nd.—In future the *Zillah* Courts before whom a petition of special appeal may be filed under the option given by Section 5, Clause I. of the Act, will satisfy themselves within the period prescribed in that Clause, that it is drawn up strictly in accordance with Section 6 of the Act, viz., with the exhibition of such grounds of objection as may be urged, unaccompanied by argumentative or narrative detail, under distinct heads, concisely expressed, and bearing consecutive numbers. If the petition be not so drawn up, the Courts will return the same to the applicants or their *vakeels*, with an order under the signature of the presiding Officer, stating the reason for which the petition has been returned, and, at the same time, enjoining the party to file a corrected petition within the original period allowed by Clause I. Section 5 of the said enactment.

3rd.—As the present law of special appeal makes no provision for the deduction of the period during which a detention of the stamp paper may occur in the office, when copy of the decree is taken out, in calculating the time of appeal, but is imperative in respect to the limit of time assigned, the Court think it just to the public to direct the particular attention of the local Civil Courts, to the prompt preparation of their decretal orders, with a view to the timely delivery of transcript to applicants without more delay than may be unavoidable in the completion of the copy.

CIRCULAR No. 78.—*To the Civil Authorities in the North Western Provinces. Dated Western Provinces, the 19th May* 1855.

IN continuation of their Circular Order No. 53, dated 30th August last, the Court notify for general information, that from and after the 1st of July next, every petition of special appeal, received from a *Zillah* Appellate Court, under the provisions of Section 5, Act XVI. of 1853, or filed in this Court, either in person or by *vakeel*, which is not drawn up in strict accordance with the term of Section 6 of the same Act, as quoted in the margin; will be at once rejected without hearing.

Every petition for a special appeal shall set forth concisely and under distinct heads, the grounds of objection to the decision appealed, without any argument or narrative, and such grounds shall be numbered consecutively.

2nd. The Court take this opportunity of observing, that the only grounds in which a special appeal will lie under Act. XVI. of 1853, are those specified in Section 4 of that Act, viz.

"1. On the ground that the decision hath failed to determine all material points in difference in the cause, or hath determined the same or any of them contrary to law or usage, having the force of law."

"2. On the ground of a misconstruction of any document."

"3. On the ground of any ambiguity in the decision affecting the merits."

"4. On the ground of any substantial error or defect in procedure, or in the investigation of the case, provided such error or defect be apparent on the record, and shall have produced, or be likely to have produced, any error or defect in the decision of the case upon the merits. Provided always, that no such special appeal shall lie, nor shall any such decision be reversed, altered, or remanded, by any of the said Sudder Courts, upon the ground that the decision of any question of fact is contrary to, or not warranted by, the evidence duly taken in the cause, or any probability deduced from the record;" and every petition of special appeal should specify under which of these four heads the several objections to the decision appealed against fall.

(True Copies)

H. W. DASHWOOD,
Register.

CIRCULAR No. 23.—*From* H. W. DASHWOOD, *Esquire, Register of the Sudder Dewanny, and Nizamut Adawlut, North Western Provinces, to the Civil Authorities in the North Western Provinces. Dated Agra, the 27th December* 1858.

THE Court, at the suggestion of the Accountant, North Western Provinces, are pleased to call the attention of the Civil authorities to the Circular Order of the Sudder Board of Revenue, North Western Provinces, No. 5, dated the 13th, and published in the Agra *Government Gazette* of the 21st instant, relative to claims of refunds of deposits in the Treasuries of the North Western Provinces, which have been plundered during the mutinies, and to direct that the rules therein laid down, so far as they may be applicable, be adhered to in disposing of claims of judicial deposits.

CONTENTS.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES,

Subject.	*Date.*	*Page.*
Directing revival of the Circular Order No. 110, dated 29th June 1832, which prescribed the submission, in appealed cases, of the extract copy of Sessions Statement No. 6, ...	17th July 1858.	43

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1858.

CIRCULAR No. 4.—*From* H. W. DASHWOOD, ESQUIRE, *Register of the Sudder Dewanny and Nizamut Adawlut, North Western Provinces, to the Sessions Judges in the North Western Provinces, Saugor and Nerbudda Territories, and Kumaon. Dated Agra, the 17th July* 1858.

THE Court having experienced much inconvenience by the rescission of Circular Order No. 110 of the 29th June 1832, which prescribed the submission in appealed cases of the extract copy of Sessions Statement No. 6, are pleased to revive it, and to request that the extract in question may in future be annexed to all proceedings in trials which may be appealed, or which, on revision of the Jail Delivery Returns, may be called for by the Court. The Circular Order No. 277 dated 5th March 1855, is accordingly hereby rescinded.

CONTENTS.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

Subject.	*Date.*	*Page.*
Rules relating to the Administration of the Stamp Revenue of the districts in the North Western Provinces.	23rd September 1858.	157

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

FOR 1858.

No. 1.—*From* W. H. LOWE, *Esquire, Secretary to the Sudder Board of Revenue, North Western Provinces, to all Revenue Authorities, in the North Western Provinces. Dated Agra, the 23rd September* 1858.

Rules relating to the administration of the stamp revenue of the districts in the North Western Provinces.

WITH the sanction of Government, the Sudder Board of Revenue have combined in this Circular Order, the rules which relate to the administration of the stamp revenue for the districts in the North Western Provinces.

ORIGIN OF THE STAMP DUTIES.

2. The existing stamp duties, popularly considered to be an entirely new impost of the British Government, are in fact a substitution for the old Police taxes, which were levied under Regulation XXIII. of 1793, by an "assessment on the merchants, traders and shop-keepers of the several cities, towns, bazars and gunges," and for the institution fees levied in civil suits under Regulation XXXVIII. of 1795.

3. The former taxes, which were exceedingly "vexatious and productive of many "frauds and exactions in the assessment and collections," were abolished by Regulation VI. of 1797, stamp duties being substituted; and the latter owing to abuses in the collection of the prescribed fees and frauds in the public accounts, were consolidated with the stamp duties by Regulation I. of 1814.

LAWS.

4. Regulation X. of 1829 has combined, with requisite modifications, all the pre-existing enactments relating to the collection of stamp duties. It has remained unaltered since its promulgation, except in the single provision of Section 7, which restricts the charge of this branch of revenue to Covenanted Officers. This restriction has been abolished by Act XXVIII. of 1837.

5. Act XIX of 1858, in consequence of the large plunder of unsold stamp paper during the mutinies, has been passed to provide for the due authentication of stamp paper, issued from the Stamp Office in Calcutta.

JURISDICTION.

6. By a resolution of the Government, dated 4th August 1829, the general superintendence of the stamp revenue was vested in the Board of Customs, Salt and Opium.

7. The transfer of the authority to the Sudder Board of Revenue, with the exception hereinafter noted, was made by an order of the Government, dated 25th November 1834, directing "the control and management of the stamp revenue for the North "Western Provinces, to be transferred to the Sudder Board of Revenue."

8. The exception relates to the affix of stamps to unstamped or inadequately stamped papers, and the levy of the prescribed penalties, in excess of the Government duties in such cases, which are referred by the Collectors to the Superintendent of Stamps, heretofore subordinate to the Board of Customs, whose powers and authority have since passed by Act XLIV. of 1850, to the Calcutta Board of Revenue.

GENERAL PRINCIPLES.

9. General principles have been laid down for the guidance of Officers entrusted with the management of the Stamp Department for the several districts of the North Western Provinces, in paragraphs 118 to 123 of "Directions to Collectors." (Appendix I.)

SPECIAL RULES RELATING TO CUSTODY, ISSUE, INDENTS, &c.

10. The special rules which have been issued from time to time on the subject of custody, issue from store indents for supply, and transfer of charge of stamps have been combined in the Circular of the Calcutta Board of Revenue, No. 12, dated 4th June 1852, and as accepted by the Sudder Board, are in *Appendix II.*

11. The main points to be observed are these. The bulk of stamp paper must be kept under joint keys of the Treasurer and Collector or other officer in charge, issues from the store are to be made ordinarily by the month on the Treasurer's indents, after examining the balance of unsold stamps in his hands, and upon his indents only the Collector's or Stamp Officer's own periodical indents for supply from the Stamp Office must be carefully estimated, and timeously submitted to avoid deficiency, the receipt on plain paper with money payments of documents required by law to be written on stamp paper, is strictly prohibited. Particular precautions must be taken in the counting on arrival of packages of stamps to be received and passed into store, certain books are to be regularly kept, and accounts and reports to be periodically submitted, and certain forms to be observed in making over-charge.

TRANSMISSION OF STAMPS.

12. Permission is given in the rules referred to in the preceding paragraphs, where the stock is running short, to apply to Collectors of adjacent districts for a quantity which can be safely spared. This assistance, if practicable, should be given. In all cases, packets for despatch should be carefully secured, and especially in wet weather wax-cloth wrappers should be provided.

13. UNSOLD stamp paper soiled or damaged so as to be unfit for use, is to be returned to the Superintendent, and his receipt will be sufficient authority for a deduction in the memorandum of stamps in store, which, by existing rules, is appended to the monthly Treasury accounts.

14. The reports of cases relating to *purchased* stamp papers subsequently spoiled, under the peculiar circumstances for which provision is made in Section 12 Regulation X. of 1829, are to be submitted as heretofore to the Comissioner of the Division.

AGENCY AND VEND.

15. The office of stamp darogah has been discontinued in these Provinces since 1854, upon the system recommended by the Board, and approved by Government, under date 8th May 1854, No. 2127.

16. The Sudder Treasurer manages the vend of stamps through subordinate agents at the Sudder Treasury or station, and his Fotehdars at the several Tehseel offices in the district. Where also at other places, either from the existence of Civil Courts, remote from the Tehseel offices, or extensive commerce, there may be a demand for stamp paper, he may with the Collector's approval, station stamp vendors, being in all cases responsible for the agency employed by him.

17. The Sudder Treasurer nominates the vendors in these cases, and the share of the commission on sales is a matter to be adjusted by these parties amongst themselves, without the interference of the Collector, but the stamp accountant maintained at the Sudder office, on a fixed salary, payable by the Treasurer from his commission, is appointed by the Collector himself.

18. The commission assigned to the Treasurers is two per cent on sales; a higher rate is allowed only in a few special cases of districts, where stamps are little sold, by express sanction of Government. The amount of commission is charged at once per contra in the Treasury accounts, against the amount of sales credited to Government.

19. All vendors, whether in the service of Government or otherwise, must take out licenses, signed by the Collector or Stamp Officer in charge, and each should have a copy of Schedule A. and B. of Regulation X. of 1829 for public information and his own guidance. It is necessary also that each should be furnished with copy of the rules respecting endorsements, *Appendix III.* which also contains the form of licence.

20. The practice of supplying licensed vendors wholesale with stamp papers for value paid into the Treasury, less a discount under Clause 5, Section 11, Regulation X. 1829, does not obtain in these Provinces. It is not, however, prohibited, and such wholesale purchases to the value of not less than Rs. 100, direct from the Treasury by licensed vendors other than those nominated by the Treasurer, may be allowed with a discount, equal to the rate of the Treasurer's commission. But in such cases the Treasurer will not receive any commission.

EXEMPTIONS AND VALUES.

21. Doubts and diversity of practice as to exemptions and values of stamp duties in certain transactions having arisen, the several directions of the Board have been collected in *Appendix IV.* for general information and guidance.

AFFIX OF STAMPS TO PAPERS.

22. The duty of the Collector or other Officer in regard to the affix of stamps to documents unstamped or inadequately stamped, is a distinct branch. It is founded on Section 14, Regulation X. of 1829, and the rules on the subject are combined in *Appendix V.*

23. The Superintendent of Stamps is the referee instead of the Commissioner of land revenue as formerly, and the Board of Revenue at the Presidency, now that the powers of the Board of Customs have been transferred to it, is the final authority to determine (where differences of opinion exist) the amount of the stamp and penalty. The rules also provide a check on the hesitations and delays of parties desirous to evade or mitigate the penalty, and for the safe transit through the Post Office of private documents by registration of covers on payment of the prescribed fee.

24. Confusion and needless references are sometimes caused by crediting the amount paid by parties as penalty before the question of its amount has been finally decided upon reference to the Superintendent of Stamps. Such payments pending reference must always be retained in deposit.

REFUND OF VALUE OF STAMPS.

25. The Civil Courts are required or authorized by certain enactments in cases of amicable adjustment, remand for further investigation, special appeal or review of judgment, to direct refund of the whole or portion of the stamp duty, paid on plaints or petitions.

Vide Clauses 1 and 2,	Section	11,	Regulation	XIII.	1810
,, ,,	5 ,,	2	,,	XXVI.	1814
,, ,,	5 ,,	8	,,	XIX.	1817
,, ,, 2 and 4	,,	2	,,	II.	1825
,, Article 10, Schedule B.,			,,	X.	1829

26. Refunds in such cases are to be made by the Collector or Officer in charge of the stamps, upon duly certified formal statements, received with the original petitions of plaint or appeal, upon which refund is authorized.

27. The Collector or Stamp Officer must satisfy himself that the paper is genuine both as to the stamp, and the paper itself being free from suspicion of having been washed of former manuscript and used a second time. These points cleared the amount specified is to be paid to the parties themselves or their constituted attorney, or representative named by the Court, and certificate of payment is to be made in full particulars on the face of the Court's statement in strict accordance with the rules entered in *Appendix VI.*

DEFACING OF STAMPS.

28. The rules on this subject are contained in *Appendix VII.*, and require to be carefully observed in order to prevent frauds by the abstraction of blank stamp papers from old fines, and washing out writings from stamp papers used on former occasions.

29. Particular care is necessary that the defacing process is not applied to deeds, copies, or other authenticated writings on stamp paper, which are liable to be returned to parties. Injury and suspicion may be caused by neglect of this precaution, and should such defacing have occurred by accident or haste, a certificate of the fact should always be recorded on the paper with the full signature of the Collector.

30. "Stamp paper confiscated under Act XIX. of 1858, will be destroyed in the following manner before a Committee of two or more officers, of whom one shall be the Collector himself or his Joint Magistrate. A list in duplicate will be prepared shewing the numbers and values of the papers. After personally comparing the paper with this list, the officers above mentioned will destroy the paper in their presence, and certify their having done so on the duplicate lists, one of these lists will be submitted to the Sudder Board of Revenue."

POSTAGE STAMPS.

31. Under Section 31, Act XVII. of 1854, rules have been issued for the guidance of vendors of postage stamps, of which the Collectorate Treasuries are the principal depôts. These are in *Appendix VIII.*

32. This Circular Order supersedes the Circular Orders in *Appendix IX.*, except so far as the rules therein have been retained in this order, or renewed in its other appendices.*

* NOTE.—Appendices printed in a separate Collection.

CONTENTS.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES,

Subject	*Date.*	*Page.*
Transactions of the several Treasuries of the North Western Provinces, with the transferred districts of the Delhie division, and Bhuttee Territory, how to be entered in the accounts, ...	30th March 1858.	35
Substituting an amended rule for paragraph 57 of the pamphlet on Bills of Exchange.	10th April 1858.	*ib.*
Charges of Military character incurred in the Civil Department, how to be adjusted.	19th May 1858.	36
Differences between the invoice value of remittances and the amount ascertained, how to be adjusted,	May 1858.	*ib.*
Rule to be adopted in charging discount on sales of stamped envelopes, note paper.	14th June 1858.	37
Rules for meeting the requirements of Troops, during the present emergency, ...	19th June 1858.	*ib.*

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1858.

CIRCULAR No. 370.—*To the Officer in charge of the Treasury at* . *Dated Agra the 30th March* 1858.

I HAVE the honor, with reference to the transfer of the districts of the Delhie division,* and of the Bhuttee Territory to the Punjab administration from 1st May 1857; to request that you will, in future, record all the transactions of your Treasury with those districts, in the same category as those connected with the Treasuries of the Punjab and Trans-Indus Territory, and the Cis and Trans-Sutlej States; all of which should occupy a separate section of your account, to be headed "*Lahore Administration*," instead of being entered as heretofore.

* Delhi, Goorgaon, Rhotuck, Paneeput, and Hissar.

You will oblige me by seeing that this arrangement is strictly maintained.

CIRCULAR No. 371.—*To the Officer in charge of the Treasury at Dated Agra, the 10th April* 1858.

UNDER instructions from the Accountant General to the Government of India, No. 498, dated 19th ultimo, and in continuation of my Circular Docket dated 29th idem, I have the honor to communicate an amended rule, which you are requested to substitute in lieu of para. 57 of the pamphlet on Bills of Exchange.

AMENDED RULE.

"The Bill books must be kept in the Treasury under the key of the Collector, or "other officer in charge of the Treasury, who will give out the books required for use "daild, to the head clerk or other trustworthy subordinate; and on their being returned "before the Office closes, the Treasury Officer should satisfy himself that none of the "forms have been abstracted nor used or destroyed without sanction."

"The Treasury Officer's initials being put to the check margins of bills as they are "signed by him, and a memorandum book kept of those issued, spoilt, &c., it will "be sufficient for him before closing to see that the series of printed numbers in the forms "remaining in the books is unbroken."

CIRCULAR No. 377.—*To all Officers in charge of the Treasuries in the North Western Provinces. Dated Agra, the* 19th *May* 1858.

THE Government of India, in the Financial Department, under date the 11th December 1857, having ruled that charges connected with the conveyance of European troops, as well as all other charges of a Military character, incurred in the Civil Department should be adjusted in the accounts of that Department under Military audit, I have the honor to request that, in the event of your incurring any charges of this description, you will submit to the Military Auditor General a separate bill for the expenditure, with a declaration on honor at foot, in the form prescribed in the *Calcutta Gazette* of 6th May 1854, which is subjoined for facility of reference. The amount, when audited, should be debited under "*Military Department*," subordinate to the Government of India, in your Treasury account, and supported by the audited bill as a voucher.

"I. do hereby declare, upon my honor, that the sums contained in this bill, have been actually expended by me for the purpose set forth."

(Signed.) A. B.

CIRCULAR No. 379.—*To the Officer in charge of the Treasury at . Dated Agra the May* 1858.

UNDER instructions received from the Accountant General to the Government of India, in his letter No. 100, dated the 24th of April last; I have the honor to request that you will bring to credit, *on receipt of the packages the invoice* amount of all specie remittances consigned to your Treasury, leaving any differences between the invoice value and the amount ascertained on examination of the treasure, to be afterwards adjusted with the remitting Treasury remittances already received, should of course be credited at once.

This course seems necessary to obviate confusion in general estimates and similar returns, which it is difficult if not impossible to avoid under the present system of deferring the credit till after the final examination of the remittance; more especially, when, as in the case of specie remittances by the Sub-Treasurer, Fort William, to Treasuries in these Provinces, the Collectors are often unable to examine the remittances for weeks or months, and consequently exclude them from their accounts for that period.

It is desirable to impress on you the necessity of giving immediate intimation to remitting Treasuries of any deficiency either in the weight of the packages at the time of receipt, or in the out-turn on examination.

This arrangement is not intended to affect the existing practice as to remittances which are merely sent to your Treasury *en route* for transmission to another, but it is applicable to remittances originally *consigned* to your Treasury, and ultimately sent on by you, unopened to another; in which case, the remittances ought to be treated as fresh remittance transactions between your Treasury, and the Treasuries to which the specie may be ultimately forwarded.

The amount of unexamined treasure brought to credit, shewn in the monthly cash balance report in a separate entry, and the certificate interlined with the words "*exclusive of unexamined Treasure*," after certification of the amount examined.

CIRCULAR No. 382.—*To the Officer in charge of the Treasury, at . Dated Agra, the 14th June* 1858.

I HAVE the honor to annex copy of a Circular of the Punjab Accountant, No. 22, dated the 31st ultimo, and to request that you will adopt the rule prescribed therein, in charging discount on sales of stamped envelopes and stamped note paper, effected at your depôt.

CIRCULAR No. 22.—*From the Accountant, Punjab, Lahore, to the Deputy Commissioner of . Dated Lahore, the 31st May* 1858.

With reference to the notification of the Director General of Post Offices in India, of the 15th September 1857, published at page 1513 of the *Calcutta Gazette*, dated the 23rd idem; I have the honor to request that, you will be careful to observe, that discount on stamped envelopes and paper is payable on the value of the stamps only; and not in the extra charge, which is added to cover the cost of the paper and manufacture.

2*nd*. In affording credit for sales connected with such envelopes and paper, you will be good enough not only to make a distinction between them and the ordinary postage labels, but also between the postal value of stamped envelopes and paper, and the extra charge on account of paper. Your attention is, therefore, requested to the following form of credit, subordinate to remittances of the Post Office Department.

To Postage Stamps.

Value of postage labels sold this month, ...							200	0	0
Value of one anna postage envelopes, ...	50	0	0						
Add cost of paper, ...	6	4	0				56	4	0
Value of half anna stamped note paper,...	25	0	0						
Add cost of paper, ...	12	8	0				37	8	0
Value of half anna stamped envelopes, ...	25	0	0						
Add cost of paper, ...	6	4	0				31	4	0
							325	0	0

3*rd*. The charges of discount will be checked with the credits on account of the postage value of stamped paper and envelopes; and you will be good enough in preparing your bills or statements of discounts to distinguish between official vendors and private purchasers of stamps, the former receiving one anna, and the latter half an anna, on all purchases of five Rupees worth and upwards, in even Rupees.

CIRCULAR No. 384.—*From the Accountant, North Western Provinces, to Dated Agra, 19th June* 1858.

THE following rules, issued under Government sanction, by the Accountant General to the Government of India, for the guidance of officers in charge of public Treasuries in the Central Provinces, in meeting the requirements of Troops during the present emergency, are forwarded for the information and guidance of the

CIRCULAR No. 194.—*Treasury Officers in the Central Provinces.*

The following rules have been authorized by Government, for the guidance of officers holding charge of public Treasuries in meeting the requirements of troops during the present emergency.

The prompt payment of all just demands, so as to avoid, as far as possible, any detriment to the comfort or efficiency of the Troops, should be the first care of all disbursing officers, but they are at the same time reminded of the necessity of obtaining proper vouchers for such payments, and of adopting timely measures for their adjustment. On these points it is the object of the following rules to afford them guidance :—

Rules 1 to 12 have been published elsewhere, and relate more particularly to payments to Troops from England and the Colonies, during their stay in Calcutta.

Rules 13 and 14 provide for advances to the same, while proceeding from Calcutta to the North Western Provinces.

The remaining rules have reference to the reinforcements, (viz., Queen's and East India Company's European and Native Troops) lent by the other Presidencies for service under the Bengal Presidency.

ACCOUNTANT GENERAL'S OFFICE,
REVENUE DEPARTMENT,
Dated the 14th October 1857.

(Signed) E. DRUMMOND,
Accountant General.

Rules for the payment, while in the Bengal Presidency, of the pay and allowances and Commissariat charges of Royal Troops and other Reinforcements, arriving from England, the Colonies and the other Presidencies of India.

QUEEN'S TROOPS FROM ENGLAND AND THE COLONIES.—PAY AND ALLOWANCES.

1. The Troops shall receive Indian pay and allowances from the day on which they land at Calcutta, or are transhipped on board a river steamer for conveyance to Chinsurah, or to the North-West. Should Indian allowances be admissible from any prior date under peculiar circumstances, special orders will be given on the subject.

Commencement of Indian allowances.

2. Pay and allowances shall be drawn monthly in Pay Abstracts. Any sum required pending audit of the monthly abstracts, will be advanced by the Pay Master, Queen's Troops, to the Regimental Pay Master, on an estimate and a receipt signed by himself, and countersigned by his Commanding Officer. If the advance be required for a Detachment, the receipt and estimate shall be prepared by the Commanding Officer.

Pay how drawn.

3. When a Regiment is ordered to move by land or by water, an advance of pay and allowances (exclusive of all staff salary, command allowances, and charges of contingent nature) will be authorized for two months, including the current month. To obtain this advance, a pay abstract, with a nominal roll of Officers and Soldiers, for whom the advance is required, accompanied by a copy of the order directing the movement, shall be presented to the Pay Master, Queen's Troops.

Advance of pay on arrival.

4. The amount so advanced shall stand at the debit of the Regimental Pay Master or the Officer Commanding the Detachment, as the case may be, and be adjusted on the audit of the usual monthly Pay Abstracts, which shall be forwarded to the Pay Masters, Queen's Troops, at the close of each month, in the regular manner.

How debited and adjusted.

5. In order to save time and to enable Officers to equip themselves without delay, advances shall be made as above, to all Regiments immediately on their landing, and before any specified date is fixed for their departure, it being intended that the whole of the Troops shall proceed to the North-West as early as practicable.

Advances to be made immediately after the Troops land.

6. The Pay Master, Queen's Troops, will furnish Regimental Pay Masters, with every information respecting the preparation of Muster Rolls, Pay Abstracts, Estimates, Accounts Current, &c.

7. Regimental Pay Masters are required to execute, with the East India Company, an indemnity bond for Rs. 5,000, in addition to that which they furnish to the War Office. It is optional with them to execute the bond in England or in India; but until it is furnished, according to the prescribed form, (which can be obtained from the Pay Master Queen's Troops) the Indian allowances will be held in abeyance.

Indemnity bond.

8. Pay Masters shall render their accounts to the authorities in India from the day on which their Corps, or the several Detachments of their Corps land, accounting to the War Office up to the preceding day.

Adjustment of accounts with Indian authorities and War Office.

9.—The first monthly abstract shall be supported by the following documents :—

Documents to accompany the first Pay Abstract.

1. Disembarkation return.

2. A last pay certificate from the Regimental Agents in England, on account of the Officers.

3. A certificate shewing the Non-Commissioned Officers and Soldiers in receipt of good-conduct pay, and the number of good-conduct badges held by each.

4. An authenticated copy of the marriage certificate of each Soldier's wife.

5. A certificate of the date of birth of each legitimate child.

10.—Royal warrants and circulars from the Horse Guards or the War Office, are not considered in force in India, until they are published or circulated by or with the sanction of the Government of India.

Royal Warrants, Circulars, &c.

11.—Pay as also all gratuities and grants expressed in sterling money, are converted into Indian currency at 2*s.* 0½, per Rupee.

Conversion of sterling money into Indian currency.

12.—The rates and pay of the several ranks and corps are given in the tables published in the Code of Pay and Audit Regulations, and elsewhere.

Rates and allowances, &c.

13.—Regiments and Detachments of Her Majesty's service urgently requiring advances of pay and allowances, shall receive them from the Military Pay Masters or Military Treasure Chests, and at stations where there may be neither a Military Pay Master nor Military Treasure Chest, such advances shall be made from the local Civil Treasuries. To enable the Commanding Officer of a Regiment or Detachment to obtain advances, it will be necessary for him to present receipts in triplicate to the disbursing officer, who, after payment, will forward the original receipt to the Pay Master, Queen's Troops, in Calcutta, the duplicate to the Accountant General in the Military Department, himself retaining

Payment of advances while the Corps and Detachments are *en route* to the Upper Provinces.

the triplicate for record. The Pay Master, Queen's Troops, will reimburse the advances in the usual way, and adjust them with the Regimental Pay Masters concerned.

ADVANCES FOR COMMISSARIAT PURPOSES.

14. Advances required for Commissariat purposes by Executive Officers or subordinate agents of that department, proceeding with Troops to the Upper Provinces, shall likewise be made in the manner prescribed in the preceding rule, on receipt in triplicate, countersigned by the Senior Officer present with the Detachment. In the case of advances to Executive Commissariat Officers, the original receipt shall be forwarded to the Accountant General in the Military Department, the duplicate shall support the charge against the Commissariat Department in the account current of the disbursing officer, and the triplicate shall be retained for record. In the case of advances to a subordinate Commissariat Agent, the duplicate receipt shall be forwarded to his superior officer, (through whose accounts such advances will be adjusted) and the triplicate shall support the debit in account current against the Commissariat Department.

Queen's and Company's European and Native Troops, lent by the other Presidencies, for service in Bengal.

PAY AND ALLOWANCES.

15. The pay and allowances of Regiments or Detachments, European and Native, lent by the Presidencies of Madras and Bombay, for service under the Bengal Presidency, shall be drawn ordinarily from the Field Pay Master or Pay Masters of Divisions, on the triplicate receipts of the Commanding Officers, supported by an estimate for the Regiment or Detachment according to the accompanying form. The original receipt shall be forwarded immediately to the Military Accountant of the Presidency concerned, the duplicate to the Accountant General of the Military Department in Calcutta, and the triplicate with the estimate shall support the debit in account current against Madras or Bombay, as the case may be. The original pay abstract shall be forwarded directly through the Accountant General of the Presidency, concerned for audit and final adjustment.

16. In cases wherein advances are required at a station where there is no Military Pay Master, such advances shall be paid by the Civil Treasury on the quadruplicate receipts, and estimate of the Commanding Officer. The original receipt shall be immediately forwarded to the Military Accountant of the Presidency concerned, the duplicate to the Accountant General in Calcutta, the triplicate with estimate to the nearest Military Pay Master, who will reimburse the amount by a draft, and the quadruplicate shall be retained for record. The final adjustment in such cases will be made by the Presidency concerned, as directed in the preceding rule.

COMMISSARIAT CHARGES.

17. In cases where columns or detachments of Madras and Bombay Troops, may be accompanied by a Commissariat Officer from either of those Presidencies, such Officer shall furnish an estimate of his monthly requirements as at early a period as possible to the Accountant General, Military Department; and he will receive supplies of cash from the Field or Divisional Pay Master, or the Local Civil Treasury, as may be most convenient, on triplicate receipts which are to be disposed of in the manner directed in Rule 15,—the officer receiving the advance, will account for its expenditure directly to the authorities of his own Presidency.

18. In cases where Executive Commissariat Officers of the Bengal Presidency may be called upon to furnish supplies, or incur any expenditure on account of Madras and Bombay Troops, the account of such expenditure shall be kept perfectly distinct from those appertaining to the Bengal Presidency; and shall not be included in the usual monthly disbursement statements, but separately charged in the cash account current, the charge being supported by bills detailing the several items of expenditure, backed by all requisite vouchers, &c. These bills will be prepared in duplicate. They will be audited in the first instance by the Auditor of Commissariat accounts here, who will retain the duplicate in his own office, and forward the original to the Accountant General for transmission to the authorities at Madras or Bombay, as the case might be.

FORM

REFERRED TO IN RULES 15 AND 16.

Estimate of sums required for the Detachment of Regiment, from the Treasury of the

No.	*Rank.*	*Amount of pay of each Rank.*	*Total amount.*
	Junior Lieutenant Colonel,		
	Senior Major,		
	Brevet Major,		
	Captains,		
	Lieutenants,		
	Ensigns,		
	Pay Masters,		
	Adjutant,		
	Quarter Master,		
	Surgeon,		
	Assistant Surgeon,		
	Serjeant Major,		
	Quarter Master Serjeant,		
	Orderly Room Clerk, above years.		
	Color Serjeants,		
	Drum Major,		
	Serjeants,		
	Corporals, above years.		
	Ditto, under years,		
	Drummers,		
	Privates, above years,		
	Ditto, under years,		
	Good-conduct pay,		
	Company's Rupees,		

Dated at

Commanding Detachment or Regiment.

CONTENTS.

CIRCULAR ORDERS

OF THE

CIVIL AUDITOR,

NORTH WESTERN PROVINCES,

Subject.	*Date.*	*Page.*
Course to be observed in making deductions from the salaries of Uncovenanted Servants, on account of leave of absence, ...	5th May 1858.	1

CIRCULAR ORDERS

OF THE

CIVIL AUDITOR,

NORTH WESTERN PROVINCES,

FOR 1858.

Extract from the Calcutta Gazette, dated the 2nd June 1858, page No. 44.

NOTIFICATION.—The Civil Auditor of the North Western Provinces has the honor to annex, for the information of all local officers in charge of Civil establishments, copy of a letter, dated 9th November 1857, from the Secretary to the Government of India, in the Financial Department, to the address of the Civil Auditor, Fort William, a transcript of which has been forwarded for his guidance by the Secretary to Government, in the North Western Provinces, on the 20th January last, and to request the strict observance by all officers of the orders in question, and the regular submission to this office, with the monthly abstract of establishment of the required return, prepared agreeably to the proscribed form, commencing with the current month of May 1858.

In cases of no leave being granted in any month, the Civil Auditor suggests (to prevent enquiry or reference) that a blank form accompany the abstract of establishment requiring audit.

CIVIL AUDITOR'S OFFICE,
N. W. PROVINCES,
Agra, dated the 5th May 1858.

J. A. LOCH,
Offg. Civil Auditor.

No. 4796.—*From* C. H. LUSHINGTON, *Esquire, Secretary to the Government of India, to* W. P. PALMER, *Esquire, Civil Auditor, Financial Department. Dated Fort William, the 9th November* 1857.

I AM directed to acknowledge the receipt of your letter No. 2178, dated the 21st ultimo, on the subject of notices of leave of absence granted to Uncovenanted servants, sent to your office.

2nd.—It appears that your office makes deductions on account of leave of absence only from the salaries of those Uncovenanted servants, who receive their appointments direct from Government; but that in all cases in which clerks and other ministerial officers are allowed leave of absence, the head of the department or office in which they are employed is left to make the deductions, your office simply passing the salary abstract of such establishment, without taking cognizance of the deductions made therein by the head of the department or office, provided the rule, laid down in the Financial Resolution of the 18th December 1843, is not infringed.

3rd.—In reply I am desired to inform you, that the Right Hon'ble the Governor General in Council is of opinion that the practices of your office is incorrect. The rules of the 22nd February 1856 he observes, are applicable to "all officers in the Uncovenanted service of the Government, who may be on the receipt of salaries of Rs. 100 a month and upwards," and it seems to His Lordship in Council that your office ought invariably to make the deductions provided for on the rules, in every case in which leave is granted to such officers under the rules, whether it be granted by Government or by Officers, to whom power to act upon the rules may have been delegated by Government.

4th.—In respect to Officers drawing salaries of less than Rs. 100 a month, it has been ruled in the Financial Resolution of the 6th February 1857, that the heads of offices should, in granting leave, be guided by the spirit of the rules prescribed for those servants who are in the receipt of salaries of Rs. 100 a month and upwards, and that all cases in which leave is so granted to Uncovenanted servants, whose salaries are less than Rs. 100 per month, shall be reported to the Civil Auditor and the Military Auditor General respectively, in the manner prescribed in the orders of the 25th July last; viz., that the Auditors should be furnished, on the 1st May in each year, with an annual return, shewing the leave of absence granted during the year (preceding) under the new Uncovenanted Civil Service Absentee rules, to those Uncovenanted servants whose leave might not have been notified in the *Gazette*.

Monthly statement of leave of absence granted to Uncovenanted Servants, drawing more than Rs. 10 per mensem, for the month of 18 .

Name of Absentee.	*Office held by Absentee.*	*Monthly salary of Absentee.*	*Section of rules under which leave is granted, or nature of leave.*	*Period of Leave.*	*Amount of deduction from salary.*	*Name of substitute (if any).*	*Amount payable to substitute.*	*Net amount to be retrenched from pay abstract for the above month.*	REMARKS.
A. B.	Head Assistant,	600 0 0	Section V. Chapter II.	Nine months, from 1st January to 30th September 1859,	300 0 0	E. F.	300 0 0	0 0 0	
C. D.	5th ,, ...	200 0 0	Section VII. Chap. III.	Fifteen days, from 1st to 15th March 1859,	0 0 0	None.	0 0 0	0 0 0	
G. H.	21st ,, ..	60 0 0	Private affairs, ...	Five months, from 1st January to 31st May 1859,	30 0 0	L. M.	30 0 0	0 0 0	
O. P.	30th ,, ...	20 0 0	Ditto, ...	Ditto ditto,	20 0 0	X. Y.	20 0 0	0 0 0	No substitute procurable on less than whole pay.
Y. Z.	Moonshee, ...	40 0 0	Sick leave.	One month, viz., March 1859,	20 0 0	None.	0 0 0	20 0 0	
							Total. ...	20 0 0	

5th.—But this arrangement seems to His Lordship in Council to be insufficient. It does not provide, as it ought to do, for deductions from salary by the offices

of Audit, and his Lordship in Council therefore directs that, in future, all cases in which leave, not notified in the *Government Gazette*, is granted to Uncovenanted servants in excess of the few days provided for in the Financial Resolution No. 2520 dated the 12th June 1857, shall be reported monthly (instead of annually) to the Civil Auditor or the Military Auditor General, as the case may be, in the form as indicated above, the offices of Audit being left to check the amounts entered in the form at the time the establishment bills are sent into be passed, on the understanding, that deductions are invariably to be made in accordance with the rules, from the pay of all absentees, whose names are entered in the form—(whether they may be in the receipt of Rs. 100 a month or less) except when special directions are issued by the Heads of Offices to make large deductions, which may be necessary in cases of officers drawing less than Rs. 100, whose duties cannot otherwise be provided for without extra expense to Government.